

**Zoning Board of Appeals  
Minutes  
July 16, 2020  
Zoom Video Call**

Members Present: Richard Ubert, Chairman  
Tracey Cullen, Vice Chairperson  
Roger Smith, Member  
William Ordon, Member  
Eric Taylor (Alternate Member)

Other Attendees: Tracey Gronbach, Secretary to the Board

Absent: Todd Brice, Member  
Bryan Donato, Building Inspector

Meeting called to order at 7:00pm.

Chairperson Ubert welcomed everyone to the July 16, 2020 meeting of the Zoning Board of Appeals. He introduced himself and the Board Members.

Chairperson Ubert stated for the record that all applicants are hereby notified that any and all agreed concessions, promises, pledges, assurances or declarations given by them or their duly appointed agents, during their hearing process shall become stipulations to any approvals given by this Board. He also asked that anyone who comes to speak please state your name and address for the record and sign on the sign in sheet so we can record everything properly.

Chairperson Ubert asked for a motion to approve the minutes June 25, 2020 meeting. Vice Chairperson Cullen made a motion to approve the minutes with edits which was seconded by Mr. Smith.

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

Motion carried:        5 ayes                      0 nays

**Application of Laura Ellis, Esq. as agent for Kriss Gulbrandsen.** Applicant seeks a use variance for the conversion of a mixed-use dwelling with two apartments and one office to a multiple dwelling containing three apartments pursuant to Section 183-82 of the Village Code. Premises located on the South side of Greene Ave approximately 478 ft West of Broadway in a B-2 Business District known as 42 Greene Ave a/k/a SCTM#101-5-2-41.

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**Laura Ellis, Esq., 80 Broadway, Amityville NY**, spoke on behalf of this application. She stated that Mr. Gulbrandsen brought this property in 2017 and at that time appeared before Zoning Board Appeals for the renewal of a mix use dwelling special exception. The dwelling is two apartments and one office. Mr. Gulbrandsen has been unsuccessful in renting out the office space, despite engaging Jerry O’Neill as a realtor. Mr. O’Neill submitted a letter that it would be better used as an apartment than an office.

Findings

- The property has adequate off-street parking (at least 8-10 spots).
- Since Mr. Gulbrandsen has owned the property, he has enhanced the landscaping by adding Belgian Blocks and a sprinkler system. He is also has had a landscaping company come and mow and maintain the grounds weekly.
- The first-floor front apartment is three bedrooms and one bathroom, is the one deemed to be office, but he cannot rent it.
- The upstairs apartment is a two bedroom (single mom with two sons); and the rear apartment on first floor is a one bedroom (two adults). Between these two units there are 3 cars being used by existing tenants.
- Each apartment has its own separate entrance.
- There are other three family dwellings on Greene Street
- There would be less car traffic with a residential tenant than a commercial one.
- No residents spoke for or against this application.

Vice Chairperson Cullen made a motion to approve this request which was seconded by Mr. Smith.

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

Motion carried:      5 ayes      0 nays

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**Stipulations:**

1. This application is approved to change from a two-family dwelling to a three-family dwelling.
2. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage. Applicant must also maintain adequate off-street parking.
3. Applicant must obtain a rental permit.
4. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Kurt Nitzsche.** Applicant seeks a variance to exceed the maximum permitted square footage for an accessory structure associated with the proposed construction of a 660sf detached garage with 240sf covered patio Section 183-55 of the Village Code. Premises located on the South side of Sterling Place approximately 550ft West of Burch Ave in a B Residence District known as 152 Sterling Place a/k/a SCTM#101-3-3-6.

**Kurt Nitzsche, 152 Sterling Place, Amityville NY** spoke on his behalf of this application.

**Findings:**

- Mr. Nitzsche stated that this is two family dwelling: his father lives in apartment and a tenant in the apartment.
- Mr. Nitzsche wants to demo the old garage down and replace with a new larger one.
- The existing garage is 20 x22 garage; the new proposed garage will be 660 sf. He would like to have room for two cars and tools: no interior plumbing. The only electric will be for garage doors, a grinder, and a compressor.
- Will be same distance off the property line, just longer (5' off the neighbor to the west and 6' off the back-property line. Any side-yard setback issue is pre-existing nonconforming.
- No residents spoke for or against this application.

Motion to approve this application was made by Mr. Taylor and seconded by Mr. Ordon.

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

Motion carried:      5 ayes      0 nay

**Stipulations:**

1. The new garage is not to have any interior plumbing.
2. The new garage is not to have any habitable space.
3. Applicant must comply with all plans submitted to the building Department Building.
4. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Christina Sheehan.** Applicant seeks a Special Exception to legalize the conversion of a single-family dwelling to a parent-child dwelling with associated area variances pursuant to Section 183-43 C. (4) of the Village Code. Premises located on the East side of Oldfield Ave approximately 220ft South of Orchard Pl in an B Residence District known as 125 Oldfield Ave a/k/a SCTM# 101-5-5-70.

**Glenn Nugent, Esq., 31 Green Ave, Amityville NY** spoke on behalf of this application.

**Findings:**

- Mr. Nugent stated that the property has been owned for about seventeen years, occupied by Christina Sheehan and her mother.
- Mr. Nugent said that the lot size is 60' x 130'
- There is adequate off-street parking (can fit six cars; there are only two currently)
- No residents spoke for or against this application.

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

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

Motion carried:        5 ayes                      0 nays

**Stipulations:**

1. This application is approved for two year or change of ownership whichever comes first.
2. Applicant must maintain adequate off-street parking.
3. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
4. Applicant shall contact the Building Department and schedule inspections within ten (10) days of the anniversary date of the Zoning Board of Appeals approval.
5. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Frank Cruthers.** Applicant seeks to a renew a Special Exception for a detached parent-child dwelling pursuant to Section 183-9 C. (4) of the Village Code. Premises located on the Southwest Corner of the intersection of Towne St and Wood Ave in an A Residence District know as 25 Town St a/k/a SCTM # 101-8-2-4.1.

**Frank Cruthers, 25 Town Street, Amityville NY** spoke on behalf of this application.

**Findings:**

- Mr. Cruthers is seeking renewal of a detached parent-child, that was prior to the enactment of the 2013 local law No. 2-2013 regarding parent-child.
- Mr. Cruthers has owned the property owned fourteen years. His sons currently live in in the unit which is a one and half bedroom, one and half bath unit; has cabinets and a dishwasher.
- There is adequate off-street parking on the property.
- No residents spoke for or against the application.

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

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

Motion carried:        5 ayes                    0 nays

Stipulations:

1. This application is approved for two year or change of ownership whichever comes first.
2. Applicant must maintain adequate off-street parking.
3. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
4. Applicant shall contact the Building Department and schedule inspections within ten (10) days of the anniversary date of the Zoning Board of Appeals approval.
5. Applicant must abide by all applicable State, Village and Local Codes.

Motion to adjourn the meeting was made by Mr. Taylor seconded by Mr. Smith.

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

Motion carried:        5 ayes                    0 nays

Chairperson Ubert adjourned the meeting at 7:45 pm.

Respectfully submitted:

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Catherine Murdock, Clerk/Treasurer