

September 17, 2015
Zoning Board of Appeals
Minutes

Members Present: Alison Varley, Chairperson
 Richard Ubert, Vice Chair
 Kirk Hurme, Member
 Bill Ordon, Member

Also Present: Thomas Whalen, Code Enforcement
 Stephen Greenwald, Director of Operations

Members Absent: Todd Brice
 Chuck Vinciulla (Alternate)

Meeting called to order at 7:03pm

Chairperson Varley welcomed everyone to the September 17th, 2015 meeting of the Zoning Board of Appeals, and introduced all the members. Chairperson Varley stated applicants are hereby notified that any/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.

Mr. Varley informed the applicants that the full Board was not present this evening and that it would require a 3 out of 3 vote to approve any application. If they so choose, the applicants could ask for a postponement to be heard until the entire Board was present. Art of Form Architects representing Bilden Realty Ltd. At 21 Merrick Road Amityville choose to not be heard.

Ms. Varley asked the Board for a motion to approve the minutes from the August 27, 2015 meeting. A motion was made by Mr. Ubert and seconded by Mr. Hurme

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Hurme aye

3-0

A motion to approve a six (6) month extension to Mr. and Mrs. Jaycox of 25 New Point Place due to issues with New York Rising was made by Ms. Varley and seconded by Mr. Hurme

Vote on the motion: Ms. Varley aye

Mr. Ubert aye
Mr. Hurme aye

3-0

Continuation of the application of Alicia Martin. Applicant seeks maintenance of a previously approved variance pursuant to the renewal of a previously approved conversion of a one family dwelling to a two family dwelling prior to March 10th, 2010 pursuant to Section 183-43 C (6) of the Village Code. Premises located on the southeast corner of County Line Road and Cedar Street in a "Residential B" district k/a 97 County Line Road a/k/a SCTM#101-7-1-1.2

Findings:

1. Applicant closed on the property 3/15/2015 at a purchase price of \$159,000
2. Applicant renovated the home investing approx. \$60,000
3. Applicant has installed an alarm and security cameras on the property
4. Applicant has secured a rental permit with the Building Dept.
5. The current Certificate of Occupancy states that it is a two family home by permit
6. Premises was inspected by the CEO and was found in compliance
7. First floor apartment consist of two (2) bedrooms, one (1) bath and has a spate driveway that can accommodate three (3) cars with a rent of \$1700.00
8. Second floor apartment is a one (1) bedroom with a separate driveway that can accommodate three (3) cars with a rent of \$1550.00 per month
9. Applicant has two perspective tenants which will be required to provide two (2) months security and one (1) months' rent up front.
10. The premises has a non-inhabitable basement and attic space
11. A Land Variance was granted in 1992 making this a two family home previous Zoning Board of Appeals decisions granting this property a Special Exception were inaccurate.

Stephanie Andrews, 156 Cedar Street is opposed

Rosie, Above Board Realty was the agent for the sale and feels it should be approved

Kenneth Wysowski, 162 Cedar Street is opposed

Katrina Conway, 92 Maple Drive is opposed

Michelle Alagolin, 123 Homestead Ave. is opposed

A motion to approve the application with the following stipulations was made by Mr. Ubert and seconded by Ms. Varley

Stipulations:

1. Application is approved for a period of eighteen (18) months, or until change of ownership
2. Applicant will appoint a Superintendent to take care of and monitor property
3. Applicant must conform to all off street parking Codes
4. Owner/applicant shall conform to all Village and State Fire Codes
5. Owner/Applicant will be responsible for:
 - a. Maintenance of building

- b. Maintenance of landscaping and lawn care
- c. Insuring for the timely and appropriate disposal of all rubbish, trash, and garbage
- d. Location of garbage cans so as not to interfere with off street parking
- 6. Building Inspector to inspect property on the anniversary of the issuance of the Rental Permit
- 7. Applicant must maintain the current Rental Permit

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Hurme aye

3-0

At 7:35 Mr. Ordon joined the Board on the Dais.

Continuation of the application of Goyal Real Estate Development LLC. Applicant seeks to maintain a variance pursuant to a previously approved conversion of a one family dwelling to a two family dwelling pursuant to Section 183-82 A (10) (C) of the Village Code. Premises located on the southeast corner of Broadway (Rt.110) and South Drive in a "business 2" district k/a 497/505 Broadway a/k/a SCTM# 101-2-3-3.1

Findings:

- 1. Applicant purchased the property two (2) years ago
- 2. Applicant is on the property a good deal of the time as his office is at the Storage Facility on the premises
- 3. The property consists of 2 two family homes
- 4. 497 Broadway has an upper and lower unit that each contains two (2) bedrooms and one (1) bathroom
- 5. 505 Broadway has a front and back apartments both containing three (3) bedrooms and two (2) baths
- 6. There is off street parking for 9 cars
- 7. There is a dumpster for trash on the property that gets picked up once a week.
- 8. At the time of inspection the CEO found the dumpster to be overflowing which has since been remedied
- 9. Applicant has a current Rental Permit

A motion to approve the application with the following stipulations was made by Mr. Ordon and seconded by Mr. Hurme

- 1. Application is approved for a period of one (1) year as a non-owner occupied two (2) family dwellings of until change of ownership whichever comes first
- 2. Applicant must conform to all off-street parking Codes
- 3. Applicant will be responsible for
 - a. Maintenance of building
 - b. Maintenance of landscaping and lawn care
 - c. Insuring for the timely and appropriate disposal of all rubbish, trash, and garbage
 - d. Location of garbage cans so as not to interfere with off-street parking
- 4. Applicant must abide by all applicable codes and laws

5. Code Enforcement Officer must inspect the premises on a yearly basis; the applicant is responsible to contact the Building Inspector to arrange for an inspection at the anniversary date of this approval
6. Applicant must secure the necessary rental permits per Section 137-2 of the Village Code
7. Applicant cannot use basement as living space; utilities and storage only
8. The dumpster must be picked up two (2) times per week to avoid an overflow from happening.

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Ordon aye
 Mr. Hurme aye

4-0

Application of Partow Payandeh as agent for owner Amlind LLC. Applicant seeks a Special Exception pursuant to the renewal of a previously approved conversion of a one family to a two family dwelling prior to March 10th, 2010 pursuant to Section 183-43 C (6) of the Village Code. Premises located on the south side of Oak Street approx. 954 feet west of Bayview Ave. in a “residential B” district k/a 79 Oak Street a/k/a SCTM# 101-6-1-1

Application of Partow Payandeh. Applicant seeks a Special Exception pursuant to the renewal of a previously approved conversion of a one family dwelling to a two family dwelling prior to March 10th, 2010 pursuant to Section 183-43 C (6) of the Village Code. Premises located on the south side of Oak Street approx. 1062 feet west of Bayview Ave. in a “Residential B” district k/a 75 Oak Street a/k/a SCTM# 101-5-3-12

This application was heard together as it’s the same owner

Findings:

1. There are two apartments in each home, the top floor has three (3) bedrooms and one (1) bathroom and the bottom apartments contain one (1) bedroom and (1) bathroom
2. Both houses have a one car garage and room for three (3) cars in the driveway
3. Owner has owned the properties since 1971 and has received a Special Exception since 1983
4. There were no issues at the time of the CEO’s inspections

A motion to reserve decision was made by Mr. Ubert and seconded by Mr. Hurme

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Ordon aye
 Mr. Hurme aye

4-0

Application of Anflo Auto Electric. Applicant seeks a Special Exception to permit the proposed outdoor storage of motor vehicles within the rear yard of the premises pursuant to Section 183-82 (A) (10) (B) of the Village Code. Premises located on the south side of Merrick Road approx. 228 feet west of Bennet Place in a “Business 2 District” k/a 123 Merrick Road a/k/a SCTM# 101-7-7-2

Findings:

1. Applicant has owned the parcel for approx. 30 years
2. Applicant has received a variance for approx. 30 years
3. There are currently eight (8) vehicles stored on the property; 1960 Chevy, 1958 Chevy, a boat on a trailer, three (3) oil delivery trucks, a mobile food truck, and a Chevy Van
4. The applicant also rents space to a towing company to keep cars for overnight storage
5. Applicant also keeps delivery vehicles for his own business on the premises
6. Applicant receives revenue for the storage
7. The stored vehicles are kept slightly off the fence line of the property
8. Applicants original intention for renting out the storage spaces was to earn revenue

Philip Gianfrancesco, 19 Hildreth Court opposed the application. His property is directly behind this property. He stated that before 2011 there were no oil trucks. Since the oil trucks came the fumes from the trucks are so severe he must close his windows and remain indoors. He also stated that the condition of the property and some of the vehicles stored there are in great need of repair and there is graffiti on the building. He is opposed to the application

A motion to reserve decision on the application was made by Ms. Varley and seconded by Mr. Ubert

Vote on the motion:	Ms. Varley	aye
	Mr. Ubert	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

4-0

Application of James Prisco, Architect as agent for Christopher Weiler owner. Applicant seeks to reduce the required front yards pursuant to the addition of a front roofed over porch and open rear deck pursuant to Section 183-16 of the Village Code. Premises located on the northwest corner of Grand Central Ave. and MacDonald Ave. in a "Residential A" district k/a 235 Grand Central Ave. a/k/a SCTM#101-12-3-4

Findings:

1. Home was damaged in Super Storm Sandy
2. Home has a pre-existing non-conforming front and side yard setback
3. The home will be elevated to base flood plus 4' bring the height to 29.6' and will have a two (2) car garage under the main floor.
4. Once elevated the home will meet all FEMA requirements and will be 9.5' above grade
5. Applicant seeks to add a front porch which measures 5'X 17.2" leaving a front yard setback of 25.2'
6. Current front yard setback is 31.1' and 25' on the side of the home facing MacDonald Ave.
7. Existing rear deck is currently 14.10' with a 30.10 rear yard setback

A motion to approve the application with the following stipulations was made by Mr. Ubert and seconded by Mr. Ordon

Stipulations:

1. Applicant must apply to the Planning Board for Architectural review
2. Applicant must secure all necessary permits
3. Applicant must adhere to all state and local codes.

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Ordon aye
 Mr. Hurme aye

4-0

Application of James Prisco, Architect as agent for owner Steve Riordan owner. Applicant seeks to exceed the permitted building height pursuant to the proposed elevation of the existing two story one family dwelling to comply with FEMA and New York State Residential Building Code requirements pursuant to Section 183-46 of the Village Code. Premises located on the south side of New Point Place approx. 163 feet east of South Bayview Ave. in a "Residential B" district k/a 14 New Point Pl. a/k/a SCTM# 101-12-6-71

Findings:

1. The home was flooded during Super Storm Sandy and has been fully repaired
2. Current front yard setback is 6.7'
3. Once the home is elevated it will be moved back on the property and will have a 21.1' front yard setback
4. Once elevated the height will be 29.6' measured from crown to curb
5. The garage that will be housed under the first floor will have a ceiling height of 7.9'
6. The current height of the first floor is 5.23' and will be 12.66' once elevated
7. A Fire Sprinkler system will be added to the home as required by law

A motion to approve the application with the following stipulations was made by Mr. Ordon and seconded by Mr. Ubert

Stipulations:

1. Applicant must apply to the Planning Board for Architectural review
2. Applicant must secure all necessary permits
3. Applicant must adhere to all state and local codes.

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Ordon aye
 Mr. Hurme aye

4-0

Application of Fredrick and Jacqueline Smith. Applicant seeks to maintain the existing non-conforming side yard for the addition of a second story addition and rear deck pursuant to Section 183-51 of the

Village Code. Premises located on the east side of Norman Ave. approx. 420 feet south of Richmond Ave. in a "Residential B" district k/a 36 Norman Ave. a/k/a SCTM # 101-13-11-6

Findings:

1. Applicant seeks to add a 180 square foot dormer to the front upstairs of the home
2. Home is being raised but will only be 24' once elevated
3. Home has an existing rear deck
4. Home has an existing non-conforming side yard setback
5. The air conditioning unit is already existing

A motion to approve the application with the following stipulations was made by Mr. Hurme and seconded by Mr. Ordon

Stipulations:

1. Applicant must apply to the Planning Board for Architectural review
2. Applicant must secure all necessary permits
3. Applicant must adhere to all state and local codes.

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Ordon aye
 Mr. Hurme aye

4-0

Application of Juliean Singh Pestano. Applicant seeks a Special Exception and associated variances to legalize the existing conversion of the existing one family dwelling to a parent child residence pursuant to Section 183-43 C (4) of the Village Code. Premises located on the east side of Bayview Ave. approx. 314 feet south of Oak Street (CR12) in a "Residential B" district k/a 261 Bayview Ave. a/k/a SCTM# 101-6-3-71

Findings:

1. The applicant has been before the Board two (2) times prior to this application for alterations he made to the home.
2. Applicant states that he purchased the property with the apartment already converted but it was not on the Certificate of Occupancy
3. Currently the home has two (2) kitchens
4. Applicant purchased the home in 2013 at that time there was a tenant living in the apartment who remained there until February, 2015
5. Applicant stated his mother has lived with him since 2006
6. The first floor of the home has two (2) entrances
7. Applicant holds a mortgage on the home
8. Applicant states the home was built in 1928 and an extension was added sometime in the 1980's
9. Applicant was told at a prior ZBA meeting not to add walls in the basement and has since done so.

Stephanie Andrews 156 Cedar St. spoke in favor of the application

Katrina Conway, 92 Maple St. spoke in favor of the application

A motion to deny the application was made by Mr. Ubert and seconded by Mr. Hurme

Reason for denial:

1. Applicant has appeared before the Board on tow (2) previous occasions to ask for relief for variances that were already completed
2. Summons have been issued to the applicant because his Certificate of Occupancy states only a one family dwelling
3. This type of use is already effecting the neighborhood and is not compliant with what the Zoning Board of Appeals would stipulate

Vote on the motion: Ms. Varley aye
 Mr. Ubert aye
 Mr. Ordon aye
 Mr. Hurme aye
 4-0

Application of 16 Sprague Ave. Realty LLC. Applicant seeks a Use Variance pursuant to the proposed outdoor storage of new and used motor vehicles pursuant Sections 183-43 and 183-82 of the Village Code. Premises located on the east side of Broadway (NYS Rt. 110) approx. 275 south of South Drive in a part "Business 2" district and in part "Residential B" district k/a 475 and 481 Broadway a/k/a SCTM# 101-2-3-10 and 101-2-3-11

Findings:

1. Lot is approx. 1.4 acres
2. 180' frontage on west side is fronted by Route 110, to the North by the Junior High School, on the east by a Recharge Basin and on the south by the north bound exit ramp from Sunrise highway to Route 110
3. Current zoning on the property is 200' from the front is Business 2 and the rear part of the parcel is Residential B.
4. The parcel is currently vacant and overgrown
5. There was once a dilapidated house on the parcel that had since been torn down
6. A Special Use Permit was granted by the Board of Trustees on September 14, 2015 for a storage yard for vehicles (dead storage of vehicles)
7. Applicant stated that the parcel is undesirable for a residence or a business due to the ingress and egress
8. Applicant states that the property will be cleaned up
9. Applicant submitted a site plan to be reviewed by the Planning Board
10. Applicant states that there would be a minimal egress and ingress of vehicles as it would be used to only store cars
11. Applicant states that his client is in contract to buy pending the approval of the appropriate uses from the Village
12. Applicant stats there will be no lighting on the property
13. Applicant states there are other automotive uses nearby
14. The character of the neighborhood is primarily a business area

Joanne Fisk, 29 Maple Drive is opposed to the application
Katrina Conway, 92 Maple Ave. is opposed to the application
Stephanie Andrews, 156 Cedar St. is opposed to the application
Joan Donnison, BVCA 150 South Ketcham Ave.is opposed to the application
Craig Johnson, Omega Storage is opposed to the application

A motion to reserve decision was made by Mr. Ordon and seconded by Mr. Ubert

Vote on the motion:	Ms. Varley	aye
	Mr. Ubert	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

4-0

Meeting adjourned at 11:10pm

Dina Shingleton/Clerk/Treasurer