

**Zoning Board of Appeals  
Minutes  
June 21, 2018**

Members Present: Richard Ubert, Chairperson  
Tracey Cullen, Vice Chairperson  
Bill Ordon, Member  
Kirk Hurme, Member  
Todd Brice, Member

Bryan Donato, Building Inspector  
Catherine Murdock, Clerk Treasurer

Absent: Eric Taylor (Alternate)

Meeting called to order at 7:00 pm.

Chairman Ubert welcomed everyone to the June 21, 2018 meeting of the Zoning Board of Appeals and introduced all the members. Chairman Ubert 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.

Chairman Ubert asked the Board for a motion to approve the minutes from the May 17, 2018 meeting.

A Motion to Approve the May 17, 2018 minutes was made by Ms. Cullen and was seconded by Mr. Ordon.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

Motion carried:      5 ayes            0 nays

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**Application of Marlene Marinucci.** Applicant seeks to renew a previously approved Special Exception owner-occupied, non-conforming conversion of a one-family dwelling to a two-family dwelling pursuant to §183-94 of the Village Code. Premises located on the south side of Maple Pl., approximately 700 ft. East of Albany Ave. in an "Industrial District" known as 63 Maple Pl., a/k/a SCTM#101-4-1-66.

**Janice Baxter - 66 Maple St.,** owns commercial property across the street. She believes it's not just a two family, it's also a commercial. She sees dump trucks/mason type trucks being stored there.

**Findings:**

1. Applicants purchased house approximately two and a half years ago.
2. Applicants thought attorney was taking care of issues related to the two-family status. He thought he bought it as a two-family and did not know about the renewal process.
3. Dwelling has two bedrooms upstairs and two bedrooms downstairs.
4. Application states "owner-occupied" in error. Home was purchased as an investment. Applicants intend to live there eventually. Applicants currently live in Syosset.
5. Current tenants came with the property.

MOTION to reserve decision was made by Ms. Cullen seconded by Mr. Hurme.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

Motion carried:      5 ayes      0 nays

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**Application of First United Methodist Church.** Applicant seeks to maintain two previously approved Special Exceptions pursuant to a mixed-use dwelling and a detached two-family dwelling. Premises located on the east side of Broadway approximately 423 ft. north of Merrick Rd. in a "Historical District" known as 47 Broadway a/k/a SCTM#101-7-5-3. **Steve Brice** spoke, as trustee for the church, on behalf of this application.

Findings:

1. No members of the church live on property.
2. The brick building has one bedroom.
3. In the back there are two units, one upstairs, one downstairs; both with two bedrooms.
4. There is a dumpster on the property and the church handles snow removal.
5. No one spoke for or against this application.

A Motion to Approve application was made by Mr. Hurme seconded by Ms. Cullen with the following stipulations. Mr. Brice abstained from voting on this application as he is related to the applicant.

Stipulations:

1. Special Exception approved for three years.
2. Applicant must maintain adequate off-street parking.
3. Applicant must comply with all Village, State, local and building codes.
4. Applicant must obtain all required permits.
5. Building inspector must inspect the premises on anniversary date of this approval.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	abstain
	Mr. Ordon	aye
	Mr. Hurme	aye

Motion carried:	4 ayes	0 nays	1 abstain
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**Application of Peter Imbert.** Applicant seeks to install interior plumbing in the proposed detached 6ft. by 8 ft. cabana toilet room serving the existing in-ground swimming pool pursuant to §183-23 of the Village code. Premises located on the south side of Griffing Ave., approximately 250ft. west of Grand Central Avenue in a "Residential A District" known as 64 Griffing Ave., a/k/a SCTM#101-12-3-44.

**Findings:**

1. Bought house next to his current home.
2. This home has a pool and a structure that will be a cabana with two 6' x 8' rooms. One is a bathroom, the other is a changing room. Aside from the two small rooms most of this structure is an open-air room/cabana with no walls.
3. Applicant submitted a rendering confirming its open nature.
4. There is no practical way to convert this to habitable space; there will be no permanent heating as he intends to close it down for the winter.
5. No one spoke for or against this application.

A Motion to Approve application was made by Ms. Cullen seconded by Mr. Ordon with the following stipulations.

**Stipulations:**

1. The structure may not be used for habitable space or converted to habitable space.
2. Applicant must obtain all required permits.
3. Applicant must maintain the property.
4. Applicant must maintain sufficient off-street parking.
5. Applicant must comply with all Village, State, Local and Building codes.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

Motion carried:      5 ayes            0 nays

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**Application of Nancy Pierson.** Applicant seeks a Special Exception pursuant to the proposed erection of a six-foot fence, pursuant to §183-139 of the Village Code. Premises located on the west side of Oldfield Ave., approximately 361 ft. North of Cedar St. in a "Residential B District" known as 128 Oldfield Ave., a/k/a SCTM# 101-5-4-21.

**Findings:**

1. Applicant is replacing a chain link fence with a vinyl fence, which was crushed over time.
2. Applicant is looking for higher fence for privacy purposes.
3. Proposed fence is six feet in height, but top one foot of the fence is see through.
4. No one spoke for or against this application.

A Motion to Approve the application was made by Mr. Ordon seconded by Mr. Hurme with the following stipulations.

**Stipulations:**

1. Applicant must reinstall fence with the good side facing the neighbor.
2. The fence is not to exceed six feet from grade.
3. The fence must be inspected by the Building Department.
4. Applicant must maintain all necessary permits.
5. Applicant must comply with all Village, State, Local and Building codes.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

Motion carried:      5 ayes            0 nays

**Application of Nancy Ross.** Applicant seeks an area variance to exceed the maximum height of a fence in the front yard of a corner parcel by 1ft. Pursuant to § 152-11 of the Village Code. Premises located on the southeast corner of the intersection of Dowsing Pl. and Merrick Rd. in a "Residential B District" known as 6 Dowsing Pl. a/k/a SCTM#101-10-2-39.

**Findings:**

1. Applicant lives on the corner of Merrick Road and Dowsing Place. She lives across from a busy psychologist's office, as well as the high school.

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2. Applicant had a petition signed by many of her neighbors in support of the fence.
3. Applicant intends to install a white PVC fence and remove the shrubbery.

A Motion to Approve the application was made by Mr. Hurme seconded by Mr. Ordon with the following stipulations.

**Stipulations:**

1. Applicant must install a four-foot open picket fence within thirty feet of the corner of Dowsing and Merrick.
2. Applicant must install a six-foot solid non-see-through fence/street fence on Merrick Road.
3. Applicant must have plans approved by the Building Inspector onsite.
4. Applicant must maintain all necessary permits.
5. Applicant must comply with all Village, State, Local and Building codes.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Ordon	aye
	Mr. Hurme	aye

Motion carried:        5 ayes        0 nays

**Application of John Barry.** Applicant seeks a Special Exception pursuant to the proposed erection of a five-foot high non-see-through fence pursuant to § 183-139 A. (2). Premises located on the northeast corner of Folkstone Road and Purdy Lane in a "Residential A District" known as 55 Purdy Lane a/k/a SCTM# 101-12-5-34.

**Findings:**

1. Applicant wants to match the fence behind him. He will run the fence south and east - 32 feet each.
2. Applicant has a pool and canal in backyard. His home is at the last home on the canal.
3. Other neighbors including next door, have five-foot fences.
4. Applicant will be removing existing stockade fence.

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Motion to Approve application was made by Mr. Ordon seconded by Mr. Brice with the following stipulations:

Stipulations:

1. Applicant must reinstall fence with the good side facing the neighbor.
2. The fence is not to exceed five feet from grade.
3. The fence must be properly anchored.
4. The fence must be inspected by the Building Department.
5. Applicant must maintain all necessary permits.
6. Applicant must comply with all Village, State, Local and Building codes.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Hurme	aye
	Mr. Ordon	aye

Motion carried:      5 ayes      0 nays

**Application of Monique Newkirk.** Applicant seeks renewal of a previously approved Special Exception for the maintenance of an owner-occupied two-family dwelling pursuant to § 183-43 C. (6) of the Village Code. Premises located on the south side of Sterling Pl., approximately 316 ft. east of County Line Rd., in a "Residential B District" known as 158 Sterling Pl., a/k/a SCTM# 101-3-3-5.

Findings:

1. Applicant purchased home with her mother. During the closing process, the bank realized it was previously approved as a Special Exception and needed renewal.
2. Applicant will live on main floor and mother will live upstairs.
3. Each floor has two bedrooms.
4. There is only one car between the two occupants.

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Motion to Approve application was made by Chairman Ubert seconded by Mr. Brice with the following stipulations.

Stipulations:

1. Special Exception is approved for three years.
2. If resident status changes beyond mother and daughter co-owners, applicant must apply for a rental permit.
3. Applicant must maintain the property.
4. Applicant must maintain sufficient off-street parking.
5. Applicant must obtain all necessary permits.
6. Applicant must comply with all Village, State, Local and Building codes.
7. Building inspector must inspect the premises on anniversary date of this approval.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	nay
	Mr. Brice	aye
	Mr. Hurme	nay
	Mr. Ordon	aye

Motion carried:        3 ayes        2 nays

**Application of James Caracciolo Jr. as Contract Vendee to Partow Payandeh of Amlind LLC.** Applicant seeks a renewal of a Special Exception for a non-owner occupied two-family dwelling pursuant to §183-43 C. (6) of the Village Code. Premises located on the South side of Oak St approximately 953 ft. West of Bayview Ave. in a "Residential B District" known as 79 Oak St a/k/a SCTM#101-6-1-1.

Findings:

1. Applicant is in contract to purchase the premises.
2. Two brothers are buying the property. The downstairs tenants will remain, and the two brothers intend to live upstairs.
3. There is one-bedroom downstairs and three bedrooms upstairs.
4. There is adequate parking – an attached garage for one car and a driveway for 3-4 cars.
5. No one spoke for or against this application.



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Motion to Approve application was made by Chairman Ubert seconded by Mr. Ordon with the following stipulations.

**Stipulations:**

1. Application approved for a period of three years.
2. Dwelling must be nonowner-occupied.
3. Applicant must maintain the property.
4. Applicant must obtain a rental permit.
5. Applicant must maintain sufficient off-street parking.
6. Applicant must comply with all Village, State, Local and Building codes.
7. Building inspector must inspect the premises on anniversary date of this approval.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	abstain
	Mr. Brice	aye
	Mr. Hurme	abstain
	Mr. Ordon	aye

Motion carried:      3 ayes          0 nays          2 abstained

**Application of James D’Amato.** Applicant seeks area variance to diminish the required side yard from 12ft. to 5.63ft. associated with the proposed construction of a 160sq.ft. first-story addition. Pursuant to §183-51 of the Village Code. Premises located on the North side of New Point Pl., approximately 800 ft. East of South Bayview Ave in a “Residential B District” known as 67 New Point Pl a/k/a SCTM#101-12-6-54.

**Findings:**

1. Applicant is in the process of raising his home after Super Storm Sandy through NY Rising program.
2. Applicant putting an addition in the process of raising the home. This room will serve as a bedroom.
3. Other homes on the street have similar non-conforming side yard setbacks.
4. Extension does not further encroach upon existing nonconforming status.
5. Has a legal two-family by “CO”.
6. No one spoke for or against this application.

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Motion to Approve application was made by Mr. Brice seconded by Mr. Ordon with the following stipulations.

Stipulations:

1. Applicant must confirm to all plans submitted to the Building Department.
2. Applicant must maintain the property.
3. Applicant must maintain sufficient off-street parking.
4. Applicant must comply with all Village, State, Local and Building codes.
5. Building inspector must inspect the premises on anniversary date of this approval.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Hurme	nay
	Mr. Ordon	aye

Motion carried:        4 ayes        1 nay

**Discussion on decision for Application of Tetyana Sydoryak.** Applicant seeks renewal of a previously approved by special exception, owner occupied, conversion of a one-family dwelling to a two-family dwelling approved prior to March 3, 2010 with a change in ownership pursuant to §183-43 C. (6) of the Village Code. Premises located on the south side of Union Avenue approximately 558ft west of Bayview Avenue in a "Residential B" District known as 123 Union Avenue a/k/a SCTM# 101-6-1-28.

The Board has a discussion regarding the status of this application. The Board determined that Ms. Sydoryak must come back with a new application and voted 5-0 in favor of any application fees being waived. She must send mailings and post the sign as previously instructed.

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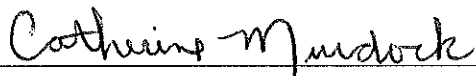
A Motion to Adjourn the meeting was made by Mr. Ordon seconded by Ms. Cullen.

Vote on the Motion:	Mr. Ubert	aye
	Ms. Cullen	aye
	Mr. Brice	aye
	Mr. Hurme	aye
	Mr. Ordon	aye

Motion carried:      5 ayes          0 nays

Meeting adjourned 8:25pm.

Respectfully submitted:



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Catherine Murdock, Clerk/Treasurer

