

**Zoning Board of Appeals  
Minutes  
May 17, 2018**

Members Present: Richard Ubert, Chairperson  
Tracey Cullen, Vice Chairperson  
Bill Ordon, Member  
Kirk Hurme, Member  
Eric Taylor (Alternate)

Judy O'Neill, Secretary  
Bryan Donato, Building Inspector

Absent: Todd Brice, Member

Meeting called to order at 7:00 pm.

Chairman Ubert welcomed everyone to the May 17, 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 stated the first order of business was to adopt the decision for the application of Jane Schmitt, 6 Unqua Pl., at the April 26, 2018 meeting.

A Motion to adopt the written decision confirming the Board's vote on the Schmitt appeal at the April 26, 2018 meeting was made by Ms. Cullen and seconded by Mr. Taylor. Mr. Hurme and Mr. Ordon abstained as they were absent from the April 26<sup>th</sup> meeting.

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

Motion carried:	3 ayes	0 nays	2 abstain
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Chairman Ubert asked the Board for a motion to approve the minutes from the April 26, 2018 meeting.

A Motion to Approve the April 26, 2018 minutes was made by Ms. Cullen and was seconded by Mr. Taylor. Mr. Ordon and Mr. Hurme abstained as they were absent from the April 26<sup>th</sup> meeting.

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

Motion carried:      3 ayes      0 nays      2 abstain

**Application of Philip Troiani.** Applicant seeks Special Exception for the erection of a six-foot-tall wood fence along the rear yard of the property pursuant to §183-139 a. (2) of the Village code. Premises located on the south side of Ocean Ave approximately 165 ft., east of Unqua Pl., in a “Residential B” district known as 355 Ocean Ave a/k/a SCTM#101-13-15-4.

Mr. Troiani spoke on behalf of this application. Mr. Troiani would like to erect a fence from the right side to the left side of his property in the rear section. He wants to continue the fence line that already exists on the abutting properties.

**Findings:**

1. Applicant seeks six-foot stockade fence in the rear yard.
2. The property does not abut any waterways.
3. There are two other six-foot high stockade fences that abut his property.
4. The fence will not block the view of the water.
5. No one spoke for or against the application.

**MOTION to Approve** was made by Ms. Cullen seconded by Mr. Ordon with the following stipulations:

**Stipulations:**

1. The good side of the fence must face out.
2. The fence must be installed on owner’s property.
3. The installation of the fence is subject to inspection by the Building Inspector.
4. The fence must be installed according to Village, State, and local codes.
5. Applicant must obtain all required permits.

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

Motion carried:      5 ayes      0 nays

**Application of Denise Jacaruso.** Applicant seeks area variance to exceed the allowable height of an accessory structure associated with the proposed construction of a new three-car, detached garage pursuant to §183-40 of the Village Code. Premises located on the north side of Franklin St., approximately 471 ft., east of South Ketcham Ave in a “Residential BB” district known as 45 Franklin St a/k/a SCTM#101-9-8-25.

Ms. Jacaruso spoke on behalf of this application. Ms. Jacaruso has a 1969 Chevy Malibu and a 1990 Nissan Pickup that are historical cars. The structure will be erected on the northwest corner of the property. Ms. Jacaruso stated the second floor of the garage would be a shell with rafters built for aesthetic purposes. She would also like to store bicycles and other equipment.

**Dorianne Gloria, 42 Robbins Ave.,** spoke against the application. Ms. Gloria lives behind the property, one house down. She stated her back yard would be facing the proposed 16-foot high structure which she feels will block out some of the sunlight. Mr. Hurme asked if the previous garage of the same height was an issue? Ms. Gloria did not believe the previous garage was 16-foot tall.

Ms. Jacaruso responded her original garage was a two-story, 16-foot high garage and her setback will be 5-feet off the rear and side property line. Further discussion ensued amongst the Board as they reviewed the survey of the property. Ms. Cullen asked Ms. Jacaruso to confirm if there would be a bathroom in the garage and Ms. Jacaruso confirmed there would be no bathroom installed.

**Jane Jacaruso, 45 Franklin St.,** spoke in favor of the application.

Chairman Ubert stated the lot’s square footage is conforming and the only variance needed is the height of the garage. He said the height is de minimis because the old code was 18-feet, the applicant is proposing 16-feet and the code was changed a few years ago to 14-feet.

**Findings:**

1. Applicant seeks to install a three-car detached garage on the northwest section of her property in line with the driveway and is replacing original detached garage.

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2. Applicant has resided in the home for 57 years.
3. Special circumstances were made to locate garage 5 feet off the property line.
4. There will be no second floor in the new garage.
5. The original garage was a 2 ½ car garage and was destroyed by wind in 2010.
6. One person spoke in favor of the application.
7. One person spoke against the application.

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

Stipulations:

1. Applicant must obtain Planning Board approval for the garage.
2. There is no plumbing permitted in the garage.
3. Applicant must comply with all Village, State, local and building codes.
4. Applicant must follow the plans as submitted.
5. Applicant must obtain all required permits.

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

Motion carried:      5 ayes      0 nays

**Application of Michael Bello as CEO of Thomas J. Saures Inc.** Applicant seeks renewal of a previously approved Special Exception for the maintenance of a mixed-use dwelling containing an office for automotive sales and two dwelling units pursuant to §183-82 a (10) (a) of the Village code. Premises located on the north east corner of Merrick Road at the intersection of Merrick Road and Ketcham Ave in a "B-2 Business" district known as 48 Merrick Rd a/k/a SCTM#101-7-2-19.

Mr. Bello spoke on behalf of this application. Mr. Bello stated the application is the exact same as a previously approved application. The property went through a foreclosure sale and Thomas J. Saures, Inc. purchased it approximately five years ago. He is legalizing the name of ownership from Thomas Saures to Thomas J. Saures, Inc. He asked if he could be granted a permanent two-family status to avoid reapplying every few years. Mr. Hurme stated the Village Code only allows the Board to grant a Special Exception for a two-family dwelling. Mr. Taylor added the same type of application the applicant is applying for is the only one the Board can grant for a two-family in a "Business" district. Mr. Donato stated the property does not have a "CO" and pre-exists "CO" requirements. He said he inspected the property and it seems to have always been a two-family home. Mr. Bello confirmed there is no business use on the property

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at this time and would like to continue the use as it currently is. He stated the property is currently being rented. There is one adult and two children upstairs and two adults downstairs.

Further discussion ensued among the Board regarding the use of the property and the best way for the Board to make a decision on this application. Mr. Bello agreed to amend the application to a two-family by Special Exception and if (at any time in the future) he decided to run a business on the property, he would reapply for a mixed-use status.

**Findings:**

1. Applicant agreed to amend application to state seeking a two-family, non-owner-occupied dwelling by Special Exception.
2. Applicant is no longer seeking a mixed-use.
3. The house was built in 1864.
4. There are four bedrooms downstairs and two bedrooms upstairs.
5. The property has adequate off-street parking.
6. There has been no auto use on premises for several years.
7. No one spoke for or against the application.

A Motion to Amend application to include Special Exception for the maintenance of a two-family dwelling and eliminate the mixed-use dwelling was made by Ms. Cullen seconded by Mr. Ordon with the following stipulations.

**Stipulations:**

1. Applicant is to remove commercial signage.
2. Applicant must obtain a rental permit.
3. Applicant must maintain the property.
4. Applicant must comply with all State, County and Local ordinances.

A Motion to Approve the application as amended was made by Ms. Cullen seconded by Mr. Ordon for 3 years.

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

Motion carried:      5 ayes            0 nays

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**Application of Christopher Pearson.** Applicant seeks a Special Exception for the continuation of outdoor storage of construction materials and vehicles pursuant to §§ 183-81 B and 183-43 of the Village code. Premises located on the East side of Broadway (RT. 110) approximately 215 ft., north of Oak St., in an in part "Business 1" and in part "Residential B" districts known as 247-249 Broadway a/k/a SCTM# 101-4-3-55 and 101-4-3-56.

Mr. Pearson spoke on behalf of this application. Mr. Pearson stated this application is the same as he has done every year. Ms. Cullen asked if he was loading and unloading vehicles still to which Mr. Pearson responded that tenant is gone. Mr. Taylor asked if he would be applying for a building permit as mentioned at his last application hearing. Mr. Pearson replied that is his intent. He may put an apartment building up but is discussing different options. Mr. Taylor asked where Mr. Pearson would run his business if he built an apartment building and Mr. Pearson replied he had an operations plant in Phoenix, Arizona. Further discussion ensued regarding the history of the property and the use of the property. Mr. Pearson is looking for a new tenant, possibly a landscaper and another business to eliminate high cost of rent to one person.

**Findings:**

1. The previous tenant has vacated the property.
2. Applicant has three storage containers on the property.
3. No one spoke for or against this application.

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

**Stipulations:**

1. Applicant is limited to 3 storage containers with an approximate size of 8 feet by 20 feet with non-hazardous materials. Applicant must secure proper licenses from the Board of Trustees.
2. Maximum height of construction materials is 6 feet.
3. Maximum height of construction equipment is 12 feet.
4. No debris is allowed on the property.
5. All vehicles must be loaded or unloaded on the owner's property. No loading or unloading can take place on municipality owned land.
6. All materials and equipment to be stored must be owned or legally leased by the property owner and stored/arranged orderly to the satisfaction of the CEO.
7. Applicant must abide by all applicable State and local codes.
8. Applicant must apply for all necessary permits from the Building Department.
9. The Building Inspector has the right to inspect the premises at any time to make sure the stipulations are being maintained.

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10. There are to be no unregistered vehicles on the property.
11. All vehicles not owned or leased by NY Poly Steel or Pearson and Pearson Construction are not to be stored on lot as of March 1, 2017.
12. Effective March 1, 2017, the property may not be used for the storage of repossessed vehicles.
13. Applicant must supply Building Department with registrations for all vehicles stored on lot.

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

Motion carried:      5 ayes          0 nays

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

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

Motion carried:      5 ayes          0 nays

Meeting adjourned at 7:43pm.

Respectfully submitted:

  
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Catherine Murdock, Clerk/Treasurer

