

**Zoning Board of Appeals
Minutes
June 20, 2019**

Members Present: Tracey Cullen, Vice Chairperson
Todd Brice, Member
Roger Smith, Member
Eric Taylor (Alternate Member)

Absent: Richard Ubert, Chairman
Bill Ordon, Member

Other Attendees: Bryan Donato, Building Inspector
Tracey Gronbach, Secretary to the Board
Catherine Murdock, Village Clerk/Treasurer

Meeting called to order at 7:01 pm.

Vice Chairperson Cullen welcomed everyone to the June 20, 2019 meeting of the Zoning Board of Appeals. Vice Chairperson Cullen introduced herself and stated that she will be conducting the meeting due to Chairman Ubert's absence. She introduced the Board Members that were present for the meeting Todd Brice, Roger Smith and Alternate Member Eric Taylor. Also, in attendance are Bryan Donato the Village Building Inspector and Catherine Murdock the Village Clerk/Treasurer. Vice Chairperson Cullen welcomed Tracey Gronbach who has recently joined the Village and will be helping at Zoning Board of Appeal Meetings as well as other Village matters. Member Bill Ordon was absent.

Vice Chairperson Cullen stated for the record that all applicants are hereby notified that any and 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. She also asked that anyone who comes to speak at the podium please state their name and address for the record and sign the sign in sheet.

Vice Chairman Cullen stated that there was not a May meeting and the Board needed to approve the minutes for the April meeting. She asked all members of the Board who were present if they have had the opportunity to review the minutes from our last meeting. Mr. Taylor made a motion to approve the minutes, which was seconded by Mr. Smith.

Vote on the Motion:	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 4 ayes 0 nays

Vice Chairperson Cullen mentioned that two applications will not be heard this month, they will be heard next month at the July 18th meeting.

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1. **Application of Jose Sanchez.** Applicant seeks renewal of a previously approved by special exception conversion of a one-family dwelling to an owner-occupied, two-family dwelling approved prior to March 3, 2010 pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the south side of Oak St., approximately 1,062 ft., west of Bayview Ave., in a “Residential B” District known as 75 Oak St., a/k/a SCTM# 101-5-3-12.

2. **Application of Allen Williams.** Applicant seeks special exception to exceed the maximum allowable height for a fence in a yard abutting a waterway, and a variance to reduce the required side yard for an above ground swimming pool pursuant to Sections 183-139 A. (1) and 157-2 of the Village Code. Premises located on the west side of Stuart Ave., approximately 920 ft. south of Bingham Pl., in a “Residential B” District known as 75 Stuart Ave., a/k/a SCTM# 101-13-6-14.

Mr. Williams requested an adjournment to move to the July meeting. Mr. Williams will not be required to send out new notices and is not required to repost the application, unless he postpones beyond July.

Application of Mauricio E. Rivas. Applicant seeks renewal of a previously approved special exception to convert an owner-occupied, one-family dwelling to a two-family dwelling approved prior to March 3, 2010 pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the east side of County Line Rd., approximately 865 ft., north of Cedar St., in a “Residential B” District known as 171 County Line Rd., a/k/a SCTM# 101-5-4-37.

Mauricio Rivas, 171 County Line Road, spoke on his behalf of his application.

Findings:

1. Applicant wants to renew his two-family special exception pe.
2. Applicant has owned the home for approximately fifteen years.
3. Home is owner-occupied. The owner, wife and their children live downstairs and the owner’s brother lives upstairs.
4. Rental permit required if non-related tenant moves in.
5. There is adequate off-street parking; all of the cars (4 drivers with vehicles) can park in the driveway.
6. No one spoke for or against this application.

Motion to approve this application was made by Mr. Taylor and seconded by Mr. Brice with the following stipulations.

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Stipulations:

1. Applicant is approved as an owner-occupied two-family dwelling for a period of two (2) years or until change or ownership, whichever comes first.
2. Dwelling will remain owner occupied.
3. Should non-related tenant move in, a rental permit will be required.
4. The Code Enforcement Officer must inspect the premises every year. Applicant is responsible to make an appointment with the Building Department at anniversary of Zoning Board (June 20, 2019) hearing each year.
5. Applicant must conform to all off-street parking codes.
6. Applicant will be responsible for:
 1. Maintenance of building.
 2. Maintenance of landscaping and lawn care.
 3. Ensuring for the timely and appropriate disposal of all rubbish, trash and garbage.
 4. Location of garbage cans so as not to interfere with off street parking.
7. Applicant must abide by all applicable state and local codes.

Vote on the Motion:	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 4 ayes 0 nays

Application of Raymond R. Schaeffner. Applicant seeks to renew a previously approved special exception for a mixed-use dwelling and a special exception for outdoor storage pursuant to Sections 183-82 A. (10) (a) and 183-82 A. (10) (b) of the Village Code. Premises located on the west side of Broadway approximately 294 ft. north of Washington Ave., in an “B2 Business” District known as 502 Broadway a/k/a SCTM# 101-1-2-25.

Raymond Schaeffner, 502 Broadway, spoke on behalf of his application.

Findings:

1. Applicant wants to renew his mixed-used dwelling special exception permit.
2. Property was recently inspected by the Building Inspector and there are no violations.
3. There is a single-family apartment upstairs (a couple with one child), two units’ downstairs (one is applicant’s business office – a construction debris removal company, the other is an apartment housing a couple with no children).

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4. Applicant has nine employees. Two employees are in the office most of the time, and most the remainder work in the field.
5. Applicant has seven business trucks; one is not currently operational.
6. The business trucks contain construction refuse, but there are no chemicals.
7. Applicant has adequate off-street parking overnight parking.
8. No one spoke for or against this application.

Motion to approve this application was made by Mr. Smith seconded by Mr. Taylor with the following stipulations.

Stipulations:

1. Applicant is approved for a period of two (2) years or until change of ownership, whichever comes first.
2. Applicant will be responsible for:
 - a. Maintenance of building.
 - b. Maintenance of landscaping and lawn care.
 - c. Ensuring 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.
3. Applicant must provide five (5) off street parking spaces for tenants and office.
4. Applicant must abide by all applicable State and Village codes.
5. Applicant must secure the necessary rental permit per Section 137-2 of the Village Code from the Building Department.
6. Applicant shall contact the Building Department and schedule yearly required fire safety and property maintenance inspections within ten (10) days of the Zoning Board of Appeals approval anniversary date (June 20, 2019).

Vote on the Motion:	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 4 ayes 0 nays

Application of John & Philip Allstadt. Applicant seeks special exception for renewal of a non-owner-occupied two-family dwelling pursuant to sections 183-43 C. (6) of the village code. Premises located on the North side of Oak St approximately 50ft of Wellington Pl in a "Residential B" District know as 70 Oak St a/k/a SCTM#101-4-21.

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John Allstadt, 74 Oak Street, spoke on behalf of his application.

Findings:

1. Applicant wants to renew his two-family special exception permit.
2. Applicant lives at 74 Oak Street (next door) the home immediately adjacent to the subject property and can and does address any issues that arise.
3. Applicant and his brother have owned the property since the 1970's.
4. There are two one-bedroom apartments, the couple upstairs has been there for about two years; and the couple downstairs has been there about 9 years.
5. The property has adequate off-street parking.
6. No one spoke for or against this application.

Motion to approve this application was made by Mr. Taylor seconded by Mr. Brice with the following stipulations.

Stipulations:

1. Applicant is approved for a period of (4) years or until change or ownership, whichever comes first.
2. Applicant shall 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 shall conform to all applicable codes and local laws.
5. Applicant shall contact the Building Department and schedule yearly inspections within ten (10) days of the anniversary date of the Zoning Board of Appeals approval (June 20, 2019).
6. Applicant must obtain a Rental Permit per Section 137-2 of the Village Code.

Vote on the Motion:	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 4 ayes 0 nays

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Application of Diana LaSpisa of Morano Expediting as agent for Owner, United Properties Corp.

Applicant seeks to amend a previous approval to legalize an increase in the number of allowable tenancies from six to seven pursuant to Section 4-2 B. of the Village Code. Premises located on the southeast corner of the intersection of Merrick Rd., and Richmond Ave., in a "B2 Business" District known as 111 Merrick Rd., a/k/a SCTM# 101-7-7-1.

Denis Rodger, Manager of United Properties, 1975 Hempstead Turnpike, E. Meadow, NY 11554 was going to speak on his behalf.

Vice Chairperson Cullen advised Mr. Rodger that with only four members present, a tie vote would result in a denial. Mr. Rodger was given the opportunity to adjourn to our July meeting. Applicant requested the adjournment. Members of the audience were advised that there would be no new mailings or posting required for a July meeting, but were free to contact Tracey Gronbach at the Building Department to inquire about the status of the meeting. Applicant was advised that if this Board was aware that there would not be a full panel for our July meeting, Ms. Gronbach would contact him in advance of the meeting. The Building Inspector may require new posting and/or mailing obligation if the hearing is carried past July.

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

Vote on the Motion:	Vice Chairman Cullen	aye
	Mr. Brice	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 4 ayes 0 nays

Meeting adjourned 7:32 pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer