

**Zoning Board of Appeals
Minutes
November 21, 2019**

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

Absent: Bill Ordon Member

Other Attendees: Bryan Donato, Building Inspector
Tracey Gronbach, Secretary to the Board

Meeting called to order at 7:00pm.

Chairman Ubert welcomed everyone to the November 21, 2019 meeting of the Zoning Board of Appeals. Chairperson Ubert introduced himself and Board Members that were present for the meeting Todd Brice, Vice Chairperson Tracey Cullen, Roger Smith and Alternate Member Eric Taylor who is sitting in for Bill Ordon. Also, in attendance was Bryan Donato the Village Building Inspector and Tracey Gronbach Secretary to the Zoning Board of Appeals.

Chairman 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 at the podium please state your name and address for the record and sign on the sign in sheet so we can record everything properly.

Chairman Ubert stated Board will approve the minutes with edits pending for the October 17, 2019 meeting. He asked all members of the Board who are present, if they have had the opportunity to review the minutes from our last meeting. Vice Chairperson made a motion to approve the minutes, which was seconded by Mr. Smith.

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

Motion carried: 5 ayes 0 nays

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Application of 72 Mill Street, LLC. Applicant seeks a special exception to maintain the existing outdoor storage within property pursuant to Section 183-96 of the Village Code. Premises located on the north side of Mill Street approximately 865 feet east of Albany Avenue in an “Industrial District” know as 72 Mill Street also known as SCTM # 10-4-1-39.

Karen S. Svendsen Esq, Long Tuminello LLP, 120 4th Ave, Bayshore spoke on behalf of this application.

Findings:

- 75 Mill Street, LLC is scaffolding business, that has been operating on this property for several decades. They contribute economically to community.
- This property is in an industrial area and abuts to the railroad.
- 75 Mill Street, LLC keeps the property neat and it is not an eyesore.
- The neighborhood is not impacted by the nature of this business.
- The outdoor storage is only used for storing metal materials that are used daily (nothing liquid, nothing dangerous, no debris, nothing flammable).
- It would be impossible to do their business without the outdoor storage of these materials on this property. If this application is not granted, they would not be able to maintain their business in the Village of Amityville.
- There is a stream on the property.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Application# is approved until change of ownership.
2. Applicant is responsible for maintenance of the property.
3. Applicant must comply with the Site Plan submitted.
4. Applicant must abide by all applicable State, Village and Local Codes.

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Application of MPJ Real Estate. LLC. Applicant seeks a special exception to maintain the existing outdoor storage within property pursuant to Section 183-96 of the Village Code. Premises located on the south side of Mill Street approximately 724 feet east of Albany Avenue in a “Industrial District” known as 67 Mill Street also known as SCTM #101-4-1-41.

Karen S. Svendsen Esq, Long Tuminello LLP, 120 4th Ave, Bayshore spoke on behalf of this application.

Findings:

- MPJ Real Estate, LLC is a scaffolding business, that has been operating on this property for several decades. They contribute economically to the community.
- This property is in an industrial area and abuts to the railroad. They have a lease with the Long Island Railroad in which they can keep some of their materials, there are some restrictions on what they types of materials they may store on this property.
- MPJ Real Estate keeps the property neat and it is not an eyesore.
- The neighborhood is not impacted by the nature of this business, similar industrial uses in the area.
- The outdoor storage is only for storing metal materials that are used daily (nothing liquid, nothing dangerous, no debris, nothing flammable).
- It would be impossible to do their business without the outdoor storage of these materials on this property. If this application is not granted, they would not be able to maintain their business in the Village of Amityville.
- This Property is located at the dead end of Mill Street.

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

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

Motion carried: 5 ayes 0 nays

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Stipulations:

1. Application# is approved until change or ownership.
2. Applicant is responsible for maintenance of the property.
3. Applicant must comply with the site plan submitted.
4. Applicant must abide by all applicable State, Village and Local Codes.

Application of Ira Sumkin, as partner of Sumkin Family Limited Partnership. Applicant seeks a special exception to maintain the existing outdoor storage pursuant to Section 183-96 of the Village Code. Premises located on the north side of Elm Place approximately 150 ft East of Albany Ave in an Industrial District known as 18 Elm Place also known as SCTM #101-4-1-104.

Ira Sumkin, 18 Elm Place, spoke on behalf of his application.

Findings:

- Mr. Sumkin owns this building; an adjacent building at 22 Elm Place, and another nearby building at 55 Albany Ave.
- Mr. Sumkin seeks to maintain outdoor storage in the Industrial District. He has owned the property for approximately 25 years.
- The outdoor storage stores nonflammable closed cell foam in less than a dozen trailers. Foam is moisture resistant, water resistant, etc. It can be used in flood areas, FEMA approved.

Robert Reinhart, 22 Elm Place an adjacent neighbor asked for clarification about how many trailers are on the property. ? He is in favor of the application as it currently stands if applicant does not add more containers beyond, then what is currently there. Mr. Sumkin assured him he would not put any more than what is presently there.

Matt Switt, 53 Elm Street, is against this application. He concerned that this neighborhood used to be residential and is now more industrial. This has become a mixed area with more outdoor storage, what and doesn't want about the residents in the area to be detrimentally impacted.

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

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| Vote on the Motion: | Chairman Ubert | aye |
| | Vice Chairperson Cullen | aye |

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| Mr. Brice | aye |
| Mr. Smith | aye |
| Mr. Taylor | aye |

Motion carried: 5 ayes 0 nays

Stipulations:

1. Application~~nt~~ is approved until change or ownership.
2. Applicant is responsible for maintenance of the property.
3. Applicant must comply with the site plan submitted and may not have more containers than what is currently there.
4. Applicant may not stack the storage containers.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of Fred Gandolfo. Applicant seeks a special exception to maintain outdoor storage pursuant to Section 183-96 of the Village Code. Premises located on the east side of South Ketcham Avenue approximately 130 feet south of Merrick Road in a “Business 2 District” known as 16 South Ketcham Avenue also known as SCTM #101-7-6-26.

Fred Gandolfo, 16 South Ketcham, spoke on his behalf ~~for~~of this application.

Findings:

- Mr. Gandolfo has owned building for about six years
- Mr. Gandolfo keeps about six trucks for the business. There is also a camper and a boat on the property. They keep parts of vehicles and machinery they cut up as fire training.
- There ~~is~~are four containers on the property (3 are 40x8, 1 is 20x8).
- The outdoor storage is only for storing metal materials that are used daily (nothing liquid, nothing dangerous, no debris, nothing flammable).

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

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

Motion carried: 5 ayes 0 nay

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Stipulations:

1. Applicant ~~ntion~~ is approved until change of ownership.
2. Applicant is responsible for maintenance of the property.
3. Applicant must comply with the site plan submitted.
4. Applicant must abide by all applicable State, Village and Local Codes.

Application of Pat Conte of MSC, Inc. Applicant seeks permission to convert two existing commercial tenancies to a two-dwelling unit in an existing apartment complex pursuant to Sections 183-121 of the Village Code. Premises located on the west side of Broadway approximately 483 feet south of Loudon Avenue in a "B-1 Business District" known as 290 Broadway also known as SCTM #101-3-1-9.

Pat Conte, 290 Broadway, spoke on behalf of his application.

Findings:

- Apartment building has 22 apartments and 2 offices. Applicant ~~w~~Wants to convert two office units to residential units.
- The property was bought ~~property~~ in 1995.
- MSC, Inc. believes they are not a detrimental impact to community.
- Since the March 2019 Zoning Board Appeal's hearing, MSC, Inc. has gotten a copy of the past two (2) years police report. There were 36 instances, (60% were from 1 unit where the tenants have serious medical issues. 30% were not serious. The remainder of the calls were discussed with the tenants.)
- Mr. Conte stated that they have installed a color camera system (7 HD camera color units in total.)
- He said they have evicted one of the tenants and are working on another one which is time consuming but are working on that.
- ~~He~~Applicant said they have installed egress windows units as required, and they have been inspected by the Building Department.
- He said they have spoken to tenants about recreational activities of children in front lot, to address safety concerns-
- ~~He said~~Applicant stated that they addressed window shades issues where they able to do so.
- MSC, Inc. has many updates to the building based on the Zoning Board of Appeal's request from April 2019 meeting (added planter boxes, greenery, paint,

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shutters on street facing side, new mailboxes on each unit, and cleaned and added gravel, restriped parking spaces)

- ~~He~~ Applicant said they are working with tenants to remove AC units by end of November.
- He said that the repairs were made to the front and rear parking areas.
- Applicant was diligent on all suggestions since last hearing, but applicant stated it's not economically viable to rent the units commercially.

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

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

Motion carried: 5 ayes 0 nay

Stipulations:

1. Applicant is responsible for maintenance of the property.
2. Applicant must obtain all building permits to legally convert the two commercial tenancies to apartments.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Anthony Ripo as agent for Barbara Connolly Owner. Applicant seeks to maintain the existing non-conforming side yard associated with the proposed addition of a rear one story 13.5 x 11 solarium and 8.6 x 5.9 deck to the existing two story one family dwelling pursuant to section 183-51 of the Village Code. Premises located on the west side of Ketcham Avenue approximately 400 feet south of Orchard Place in a "Residential B" District known as 108 Ketcham Avenue also known as SCTM #101-5-5-24.

Anthony Ripo, 2584 Peconic Ave, Seaford, spoke on behalf of this application.

Findings:

- Mr. Ripo stated that ~~he~~ the owner is building an extension off the back of the home consisting of a sunroom and a deck. The extension stays within footprint of the home, because the house has a bump out. The lot is pre-existing nonconforming, and the deck elevated 3 feet off the ground.

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

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

Motion carried: 5 ayes 0 nay

Stipulations:

1. Applicant must obtain all necessary Building Permits.
2. Applicant must adhere to all Village, State, County and Local codes.

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

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

Motion carried: 5 ayes 0 nay

Meeting adjourned 7:43 pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer