

**Zoning Board of Appeals
Minutes
September 19, 2019**

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

Absent: Todd Brice, 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 September 19, 2019 meeting of the Zoning Board of Appeals. Chairperson Ubert introduced himself and Board Members that were present for the meeting Bill Ordon, Vice Chairperson Tracey Cullen, Roger Smith and Alternate Member Eric Taylor who is sitting in for Todd Brice. Also in attendance is 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 that there was not a July or August meeting and the Board needs to approve the minutes for the June 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. Mr. Smith made a motion to approve the minutes, which was seconded by Mr. Taylor.

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

Motion carried: 5 ayes 0 nays

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Chairman Ubert mentioned that the application for **United Properties Corp., 111 Merrick Road** would not be heard this month, they asked for adjournment. Residents were advised that they could call Tracey Gronbach at the Building Department for an update of when this application will be on the calendar.

Application of Kathleen Marren. Applicant seeks a special exception to convert a one family dwelling to a parent child residence. Premise located on the north-west corner of Chichester Avenue and Carlton Avenue is a "Residential B District" known as 41 Chichester Avenue also known as SCTM #101-11-5-20.

Kathleen Marren, 41 Chichester Avenue, spoke on behalf of her application.

Findings:

1. Applicant wants to continue her parent child special exception; this is a renewal.
2. Applicant has owned the home for approximately 25 years (since her father built it). She and her son live there.
3. The driveway offers adequate off-street parking
4. No one spoke for or against this application.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant is approved for three (3) years as a parent child residence or until change of ownership, whatever 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.

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3. Applicant shall contact the Building Department to schedule yearly required fire safety and property maintenance inspections within ten days of ZBA approval anniversary date.
4. Applicant must abide by all applicable State, Village and Local Codes.

Application of Letty C. Smith. Applicant seeks special exception to exceed the maximum allowable height for a fence in a residential district pursuant to section 183-139 of the Village Code. Premises located on the east side of Richmond Avenue approximately 151 ft. south of Coles Avenue in an “Residential BB District” known as 172 Richmond Avenue also known as SCTM# 101-1-2-25.

Glenn Nugent, 31 Green Avenue, spoke on behalf of this application.

Findings:

- The applicant’s home has 3 adjacent neighboring properties.
- An adjacent neighbor recently moved in with eight children; applicant has a pool, had safety concerns and installed a six-foot wooden fence around her property. The part of the fence in the front was already there and is shorter.
- A small section of the Fence is seen from the street. The 6 foot fence encloses the backyard and pool.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must have fence with the good side facing neighbors.
2. The fence must be properly anchored.
3. The fence must be inspected by the Building Department and must maintain all the necessary permits.
4. Applicant must abide by all applicable State, Village and Local Codes.

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Application for Carmen Powell. Applicant seeks special exception for renewal of an owner-occupied two-family dwelling and erection of a 6-foot fence pursuant to Sections 183-43 (6) and 183-139 the Village Code. Premises located on the west side of Lake Street Oak St approximately 419ft North of Oak Street in a “Residential B” District know as 38 Lake Street also known as SCTM#101-4-3-13.

Carmen Powell, 38 Lake spoke on behalf of her application.

Findings:

- Applicant sought renewal of an owner-occupied two-family home
- The first-floor unit has two bedrooms and one bathroom. The second-floor unit has one bedroom and one bathroom.
 - She lives downstairs, her daughter lives upstairs
- There is adequate off-street parking
- The applicant installed a 6-foot wood fence in front yard due to security concerns with neighbors trespassing on her property. She put the fence in to protect her children, who play in the yard.
- Janet Colletti, 17 Wellington Place, expressed concerns about applicant not parking in driveway. The applicant said her driveway is 105’ long and can hold her three vehicles.
- Inspection to be done by the building department

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant is approved for a period of three (3) 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.

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- 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 is to finish or extend the fence to the north.
- 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.
- 6. Applicant must abide by all applicable State, Village and Local Codes.

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.

Allen William, 75 Stuart Avenue, spoke on his behalf for this application.

Findings:

- Has lived there for 22 years, never had need for a fence.
- Put it up after bottle thrown through window, dog feces rubbed on boat, and items disrupted on docks
 - Has a police report; police suggested he get a fence. It appears that the issues were primarily with a guest of neighbor’s who is no longer on the premises.
- Has a 6’ fence (tan PVC).
 - Fence blocks a hot and cold shower
- Situation improved since he got the fence.
- John Rykala, father of neighbor (Melinda Rykala) at 71 Stuart Avenue, spoke in opposition to the application. He stated that the fence blocks his son in law and daughter’s view of the bay, whether anyone is coming or going when they kayak. He presented pictures

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

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Vote on the Motion:	Chairman Ubert	aye
	Vice Chairman Cullen	nay
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried: 4 ayes 1 nay

Stipulations:

1. Applicant is approved for a 3-year approval on part of fence on the bulkhead; the remainder of the fence is approved without needing a renewal.
2. Applicant must abide by all applicable State, Village and Local Codes.

Application of Laura A. Ellis as Agent for Lenore Braithwaite (Commander, Hunter Squires American Legion Post 1218). Applicant seeks a Special Exception to maintain the existing outdoor storage of commercial vehicles pursuant to Section 183-96 of the Village Code. Premises located on the south side of Dixon Ave., approximately 150 ft and 325 ft. East of Albany Ave., in an "Industrial District" known as 133 Dixon Ave., a/k/a SCTM# 101-4-1-116.1; 101-4-1-107 and 101-4-1-108, 4-1-2 and 4-1-3.

Laura Ellis, Esq., 80 Broadway, spoke on behalf of this application.

Findings:

- Rented out lots are in an industrial area; they are gated and fenced
- The lots are being rented so that American Legion needs can make money to repair their building.
- Thomas Nuss of Bangs Towing, a tenant, said Bangs uses the space as an overflow lot for vehicle storage
- Northern Trucks is other tenant, has garbage trucks
- Joan Donnison, Bay Village Civic Association, noticed some of the trucks are garbage trucks. She was wondering if anything could be done to enhance/improve fencing, hiding the activity behind it, as our village is improving
- Max Switt, Elm Place has lived in the area for long time. The area hasn't always been industrial, but he hasn't had issues. When there are trucks in the area, they move out of his way. He would prefer something other than garbage trucks. He would like everyone to consider that this used to be a residential area and there are still residents here. He would prefer something else, but he understand the situation.
- Applicant stated it will not increase use beyond 3-4 garbage trucks

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

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

Motion carried: 5 ayes 0 nay

Stipulations:

1. Applicant is approved for a period of three (3) years or until change or ownership, whichever comes first.
2. Applicant will not increase the number of garbage trucks, beyond four (4)
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Central Realty Estates LLC. Applicant seeks variances for lot size, dwelling density, side and rear yard setbacks, distance between buildings and a reduction of the required residential buffer all in conjunction with the proposed construction of three Multiple Dwelling buildings pursuant to Sections 183-61, 183-63, 183-65 and 183-65.2 of the Village Code. Premises located on the East side of Park Ave approximately 85 ft. South of Cedar St in a C Residence District known as 41, 45, and 49/51 Park Ave a/k/a SCTM#101-7-4-27, 101-7-4-28, and 101-7-4-29.

Mark Garbarnt, Esq., spoke on behalf of this application.

Findings:

- Property consists of 3 tax lots (41, 45, and 49/51). It's 220 x 200 (.9 acres)
- The Erath's, owners of the project, are lifelong residents of Amityville and are committed to the community
- Application is for 24 units
- There are currently 3 structures (Total of six units – 4 one bedroom, two 2 bedrooms)
- 41 (Walt Whitman Building)
 - Handicapped accessible on first floor
 - 2 units, 2 bedrooms each (2 upstairs, 2 downstairs)
- 49
 - 2 story, 2 family dwelling (1 upstairs, 1 downstairs)

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- 51 on rear of property
 - Two story, single bedroom two family units
- Each house has electric and gas heat
- Intend to remove two existing garages and a shed
- Building E (behind 41) will be two stories
 - 750 sq. feet units
 - There will be 3 bedrooms upstairs, 3 bedrooms downstairs – handicap accessible
- Building F (behind E; located on south east corner of the property) – 8 units
 - Only unit with storage (20 units, below grade)
 - 750 sq. feet per unit (all one-bedroom units)
- Building D
 - Will be where dwelling that was 45 (that was destroyed by fire)
 - 4 units (2 upstairs and 2downstairs)
 - 527 sq. feet per unit
- Grand total of 24 units (2 two bedrooms; 22 one bedrooms).
- Can't bring gas in any further so the new units will have electric
- The project will have 40 parking spaces, want to landbank 8 in the front of the property 1.7 parking spots per unit, which is more than other than recently projects in the village, such as Oak Street Villas
- Applicant will install a dumpster on the northeast corner of the property
- There will be two curb cuts for ingress and egress
- Applicant is prepared to handle snow removal and to push snow into their own property, not the street
- Anticipates rents of \$1600-\$2000
- Chris Drutjons, 22 Berger Avenue, stated that he is strongly in favor of application.
- Harry Beard, 28 Park Avenue has owned 8 units across the street for 35 years. He is against the application. Concerned about density, parking, and fire truck access.
 - Attorney explained that drawings were professionally done to ensure adequate emergency access
- Janet Colletti, 17 Wellington Place, stated that she is the against application (too many units, not enough parking)
- The Board read a letter into the record from Fran Colletti and Michael Morabito, non-resident owners of 59 Park Avenue (live at 158 Homestead), concerned about reduction of residential buffer. They are against the application.

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- Joan Donnison of the Bay Village Civil Association feels they are overdeveloping the lot; this should be downsized. She is also concerned about buffer.
- Mr. Erath (owner) stated that he met with Fran Colletti twice and is willing to work with her on buffer, fencing, shrubbery, to improve. He stated she was amenable to his suggestions.

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

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

Motion carried: 5 ayes 0 nay

Stipulations:

1. Approval subject to Planning Board approval, including review of buffer
2. Applicant must merge all four (4) property lots into one parcel to make up one (1) Tax Map Code.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Anthony Galeotafiore. Applicant seeks a use variance for the proposed construction of a retail/multiple dwelling building along with variances for lot coverage, minimum dwelling size and a reduction in the required number of parking spaces pursuant to Sections 183-81, 183-87, 183-138 and 183-129 of the Village Code. Premises located on the East side of Broadway approximately 38 ft. South of Oak St in a B-1 Business district known as 221 Broadway a/k/a SCTM#101-5-3-2.

Findings:

- Applicant seeks to convert a building that originally housed the Amityville Movie Theater but is now used for office and medical purpose.
- The building which sits right in the heart of the downtown, has a long history as a movie theater going back to early 1900s.
- The building became offices in the 1980s. This use required 150 parking spaces, but there has never been parking, as the structure sits on the entire lot.
- The Building is underutilized and underproductive.
- All the offices are month to month leases.

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- Applicant stated that we can't revitalize the Village without this building.
- This project is designed as a mixed-use building. Designed to be flexible on first floor depending on tenant interest. There will be commercial and residential on the first floor and residential only on the second and third floors.
- Every window will be replaced. The new windows are designed to let a lot of light in. They will have cornices on the top, window boxes on the bottom.
- The tenants will have valet garbage pickup, and 24-7 emergency maintenance
- Alleyway being redone with pavers and lighting, with pedestrian entrance on side and in rear. Existing mechanicals are to be relocated to the roof.
- Units will have carpeting in the bedroom, granite countertops, quality finishing, stainless steel appliances, subway tiles, wood plank tile flooring, and a washer dryer in every unit.
- Paul Going, Atlantic Traffic & Design, 2002 Orville Drive North, Ronkonkoma, was the applicant's traffic expert. He explained that requirement for retail and office (current use) would be 150 parking stalls. Field 10 (18 Oak Street) and Field 5 (east side of Broadway between Oak and Union Ave) have a combined 134 spots. Field 15 (9/11 park) has an additional 30 spots. The new use would require 78 stalls. Basically, cutting the existing requirement in half. The new demand doesn't compete with existing demand, neighboring businesses because it's overnight demand, not during the day demand.
 - He did a study looking at parking supply and looked at Oak Street Villa's demand. Looked at a Thursday and a Saturday in July, and a September when St. Martin of Tours School was in session. The overall peak parking demand was during the day. Demand for parking was the lowest at night.
 - Oak Street uses less than 23 spots at most, and there are 24 units. Overnight, 93 of 134 identified available stalls were open. This application would only need 33 spots., still leaving plenty of open overnight parking spots.
 - The applicant realizes that Amityville Village is going to face a parking issue and will contribute \$50,000.00 to a parking fund.
- Lot coverage will not be changing.
- First floor has 1-3 commercial units, and 8 residential one-bedroom units.
- Second floor has 13 one-bedroom units
- Third floor has two two-bedroom units and 10 one-bedroom units.
- Anticipates the rent for 1 bedroom is around \$2200 and for 2 bedrooms is \$2650
- Janet Colletti, 17 Wellington Place, likes the way it looks but is 100% opposed to this application. She does not want the Village to give up that many town

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parking spots for this project. She thinks he should build his own parking garage on the first level. She feels the Village residents must give up parking spots, so he can make money. She questioned how businesses supposed to make money if this project eats up all the parking spots?

- Lou Gabrielson – 188 Park Avenue, he questioned whether the Village need more apartments? We are saturated with apartments. Thinks this is about greed. He is concerned about The Warehouse’s parking at night and St Martin Church Services, as well as the Seven doctor’s offices in the building, they take care of a lot of seniors in this Village. He is 100% opposed to this application.
- Tom Howard, 85 Grand Central Ave, Co-Chair of Amityville Downtown Revitalization Committee, life-long Village resident, former Village Trustee and passed Chairmen of Zoning Broad. Is in favor of this application. This project is completely in line with our vision and goals in revitalizing the Village. This building has been for sale for 5 years. This is a qualified developer with an excellent track record, including a successful and well-designed project in Copiague. We have a unique opportunity in the Village right now that we can’t pass up, two of the larger spots in the Village are up for sale. The building has never had the parking that meets its needs. We have always worked it out.
- Rosemary, General Manager of The Warehouse, 203 Broadway, is concerned about the parking situation. She notes that the parking survey was done during the summer. The Village is slower during the summer. She thinks it’s a good project but overreaching in scope and thinks they should narrow it in scope.
- Max Switt, 53 Elm Place, he mixed emotions on application. He likes the concept. He worked at the movie theater in the 60s and the 70s. He would like to have apartments there, but maybe not so many. Mixed use buildings could bring people in, but thinks the parking is going to be a terrible mess.
- Joan Donnison, Bay Village Civic Association, thinks the building is wonderful, but problematic that the parking study wasn’t done when St. Martin’s Church had a wedding or a mass, or the Warehouse was busy. She doesn’t think anything could be fixed until the Village builds a parking structure
- The Board read a letter into the record from village resident Kevin McAndrew, an architect and site planner, in favor of the application.
- The applicant stated that this is not an IDA project, and it would take about 8 months to finish the project.
- Current occupancy requires 150 spaces, new use will require 78, and the use will be spread out over the course of the day.

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

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

Motion carried: 5 ayes 0 nay

Stipulations:

1. Approval subject to Planning Board approval.
2. The applicant must meet with Board of Trustees to address overnight parking lot issues.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Security Dodge Inc. Applicant seeks special exception pursuant to the proposed outdoor storage of new cars within the rear yard of the existing parcel without diminishing the parking requirements for the existing building pursuant to Sections 183-96 of the Village Code. Premise located on the east side of Bayview Ave approximately 103 feet north of Lombardi Place in an "Industrial District" know as 315 Bayview Ave also known as SCTM# 101-4-4-37.

Emily Santos, Security Dodge, Merrick Rd, spoke on behalf of this application.

Findings:

- The premises is a 3.5-acre parcel; 2.5 acre are unoccupied.
- Security Dodge is leasing some of the land from The Knitting Factory (a distributor to retail stores) and is storing 75 vehicles there.
 - 40 employees, generally Monday to Friday 9-5
 - They are in third year of the lease with Security Dodge, lease automatically renews
- Vehicles (excess inventory) could be here for a few weeks to a month
- Car storage is all the way in the back of the property and not visible from the road.
- There's a padlock with a code

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- Joan Donnison, Bay Village Civic Association, in favor of the application, didn't realize the lot was deep.
- Christine Umpa, 30 Bryan Avenue, she is appalled that Security Dodge has been doing this for 3 years without any violations. She asked will there be car transporters loading and off-loading on Bayview? She is concerned about vehicles without license plates being driven and kept here. She is also concerned about the safety of the students, particularly if they are walking to and from the high school. They are a bad neighbor and should be fined and held accountable.
- Janet Colletti, 17 Wellington Place, she is in favor. They keep their properties neat.
- Jessica Sander, Moreland Court, is against this application and thinks they are bad dangerous neighbors. Security Dodge say that that are going to do something to fix the issues and they do the opposite, and the Village does not hold them accountable for these issues. They come out of parking lots speeding and have not regard for others on out streets, and most of the cars do not have license plates when driving on our locate streets. The car alarms are going off all the times, it is affecting the resident's quality of life.
- Jeffery Denecke, 315 Bayview, is the owner of Knitting Factory. He stated that by leasing his property to Security Dodge it helps to his property tax to the village (they would be able to remain on long island if he did not lease this lot out.) He also stated that he has had no issues with them in the 3 years they have leased the back of his lot.

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

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

Motion carried: 5 ayes 0 nay

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Stipulations:

1. Applicant is approved for a period two (3) years or until change of ownership, whichever comes first.
2. Applicants must have vehicles legally (license plates) driven to and from the this property and must obey all traffic laws.
3. Applicant will not off load vehicles at this property.
4. Applicant must abide by all applicable State, Village and Local Codes.

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

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

Motion carried: 5 ayes 0 nay

Meeting adjourned 9:33 pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer