

**Zoning Board of Appeals
Minutes
February 27, 2020**

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

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

Absent: Richard Ubert, Chairman

Meeting called to order at 7:00pm.

Vice Chairperson Cullen welcomed everyone to the February 27, 2020 meeting of the Zoning Board of Appeals. Vice Chairperson Cullen introduced herself and the Board Members that were present for the meeting Todd Brice, Roger Smith, Bill Ordon and our Alternate Member Eric Taylor. Also, in attendance was Bryan Donato, the Village Building Inspector and Tracey Gronbach, Secretary to the Zoning Board of Appeals.

Chairperson Cullen 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.

Chairperson Cullen stated the Board will approve the minutes February 27, 2019 meeting. She asked all members of the Board 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. Brice	aye
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

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Chairperson Cullen read a letter from Laura Ellis, Esq., withdrawing the Application of Kris T. Gulbrandsen and Lisa D’Andrea for 42 Greene Avenue. Applicant seeks a use variance for the conversion of a mixed-use dwelling with two apartments and one office to a multiple dwelling containing three apartments pursuant to Section 183-82 of the Village Code. Premises located on the South side of Greene Ave approximately 478 ft West of Broadway in a B-2 Business District known as 42 Greene Ave a/k/a SCTM#101-5-2-41.

Application of Kathryn Hagan. Applicant seeks to renew a previously approved Special Exception conversion of a one family dwelling to a two-family dwelling approved prior to March 10, 2010. Premises located on the east side of Lewis Street approximately 275 Feet south of Willis Avenue in a “Residential B” District known as 24 Lewis Street also known as SCTM # 101-3-3-42.

Kathryn Hagan, 24 Lewis Street, spoke on behalf of her application.

Findings:

- The home is owned by herself and her mother for the past 8 years.
- The downstairs is a one-bedroom apartment (kitchen, bedroom, bathroom, living space)
- The upstairs is three-bedroom apartment, Kathryn lives there with her boyfriend.
- There is adequate off-street parking (approximately 10 parking spaces)
- No one spoke for or against the application

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant will provide smoke alarm in bedroom on first floor.
2. Applicant will provide carbon monoxide meter on first floor.
3. Applicants does not need to obtain a rental permit unless either or both owners move out.

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4. This application is approved for five years or change of ownership and or occupancy.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of Jason Vernick as agent for Carl Vernick. Applicant seeks a use variance to maintain outdoor. Premises located via an approximately 20 feet wide ingress and egress easement located on the east side of Broadway approximately 212 feet North of Oak street in a “Residential B” district known as 249A Broadway also known as SCTM # 101-4-3-34.

Jason Vernick, 249A Broadway, spoke on behalf of his application.

Findings:

- Mr. Vernick owns Soil Mechanics with his family which is a heavily diversified engineering and testing firm, they have been in business over 50 years, and has owned this site for over 30 years.
- This application is for outdoor storage which consist of two dump trucks, several trailers, a small bulldozer, and a few jobsite trailers that are taken out to sites where they will be there for extended periods. Nothing is being stored in the trailers and they are not hooked up to electricity on this property.
- Nothing comes back not yard, like dirt from jobsites.
- Currently there is no plans to add additional equipment or trailers, but maybe another vehicle or two.
- No one spoke for or against the application

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

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

Motion carried: 5 ayes 0 nays

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Stipulations:

1. Applicant is approved until change of ownership or occupancy.
2. May not exceed number of trailers shown on site plan submitted, and must be maintained on the western “yard” portion of property
3. Applicant may not lease or have any subtenants on the property.
4. Applicant must abide by all applicable State, Village and Local Codes.

Application of Horace Hill. Applicant seeks renewal of a previously approved special exception for a non-owner-occupied two-family dwelling pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the South Side of Locust Dr approximately 250 ft West of Broadway in a residential B District known as 22 Locust Dr a/k/a SCTM#101-1-2-21

Horace Hill, 121-39 235 Street, Rosedale, spoke on behalf of this application.

Findings:

- Mr. Hill seeks to renew previously approved application from September 2017. He owned the property since.
- A family lives there – one husband and wife upstairs, a different husband and wife downstairs, and a third husband and wife downstairs. They are all related to each other. There are six adults and six children living there.
- Six bedrooms total – three bedrooms upstairs, three bedrooms downstairs
- Two kitchens on the premises
- The longest any tenant has been there is six months.
- There are privacy locks on the second floor, but not key lock doors.
- Approximately six cars can fit in the driveway
- All tenants are month to month
- Joan Donnison, Bay Village Civic Association had questions regarding the number of families in the home, but is neutral with regard to the application
- Stipulations
 - Approved for two years
 - No interior key lock codes
 - Must abide all village code, including appropriate methods of egress

Motion to approve this application was made by Mr. Taylor seconded by Mr. Brice 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. Ordon	aye

Motion carried: 5 ayes 0 nays

Stipulations:

Approved for two years

No interior key lock codes

Must abide all village code, including appropriate methods of egress

1. Applicant must abide by all applicable State, Village and Local Codes.

Application of George Romano. Applicant. seeks a special exception to increase the number of dwelling units from one to two in an existing mixed-use dwelling pursuant to Section 183-82 A (10) (a) of the Village Code. Premises located on the South side of Merrick Rd approximately 111 ft West of Bennett Pl in a B-2 Business District known as 137 Merrick Rd a/k/a SCTM#101-7-7-43

Horace Hill, 121-39 235 Street, Rosedale, spoke on behalf of this application.

Findings:

George Romano

- Built the building 10 years ago; has owned property since the 1970s.
- His daughter lives on the second floor apt; he has a first-floor vacancy which was last retail that he uses for his business, and he intends to put a one-bedroom apartment in the basement. It has appropriate egress windows and 8' ceiling heights
- The existing plans show storage and office space in the basement space; they would not be part of the basement apartment. They are part of the first-floor unit (and accessible from there)
- He has six parking spaces for the property
- Stipulations
 - The areas marked as storage and office in the basement may not be used as habitable space and may only be used as storage

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- Plans must be amended to remove the word “office”
- Must obtain a rental permit
- Approved for three years

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

Approved for two years

No interior key lock codes

Must abide all village code, including appropriate methods of egress

2. Applicant must abide by all applicable State, Village and Local Codes.

Vice Chairperson Ubert adjourned the meeting at 7:29 pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer