

**Zoning Board of Appeals
Minutes
May 28th, 2020
Zoom Video Call**

Members Present: Richard Ubert, Chairman
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

Meeting called to order at 7:00pm.

Chairperson Ubert welcomed everyone to the May 28th, 2020 meeting of the Zoning Board of Appeals. He introduced himself and the Board Members. He 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 would like to speak please state your name and address for the record so we can record everything properly.

Chairperson Ubert asked for a motion to approve the minutes February 27, 2020 meeting. Vice Chairperson Cullen made a motion to approve the minutes which was seconded by Mr. Ordon.

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

Chairman Ubert mentioned that if anyone is here for the following application, it has been withdrawn and will not be heard this evening.

Application of Randy Collado Santana. Applicant seeks approval of a Special Exception for the conversion of a single-family dwelling to a parent-child residence along with the associated area variances pursuant to Sections 183-43C. (4) of the Village Code. Premises located on the East Side of Forrest Place approximately 33 North of Terry Avenue in a "Residential B" District known as 91 Forrest Place also known as SCTM #10-6-3-23

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Application of Andrew Helsinger. Applicant seeks a Special Exception to legalize a mixed-use dwelling containing two-apartments and a commercial garage pursuant to Section 183-82 (10)(a) of the Village Code. Premise located on the East side of South Ketcham Avenue approximately 100 feet South of Merrick Road in a “B-2 Business” District known as 12 South Ketcham Avenue also known as SCTM#101-7-6-27.

Findings:

- **Glenn Nugent, Esq. 31 Green Street, Amityville,** spoke on behalf of this applicant.
- This Property has been in the business district for the past 70 year. It is essentially a garage, with two residential units for many years.
- Mr. Helsinger has lived there for the past 10 years. His business is also there (storage of classic vehicles, which he restores). He is owned it since 2009. None of the restoring happens on the property, he has a shop in Lindenhurst.
- There are two apartments with four people in total that live on the property. Each apartment is a one bedroom (one on second level, one on ground level). Mr. Helsinger lives in the ground level apartment.
- There is adequate off-street parking for all residents.
- Mr. Helsinger has an informal arrangement with property owner to the west if extra parking were to be needed.
- Mr. Helsinger seeks a special exception for use that has been done for many years without incident.
- Steven Carbo (12 S Ketcham, upstairs tenant), has lived on the second floor for seven years (since being displaced from Sandy). He and his wife live here, patronize local businesses, and he is in favor of the application.
- No one from the public spoke against this application.

Motion to approve this application was made by Mr. Smith and seconded by Vice Chairperson Cullen 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. This application is approved for three years or change of ownership and or occupancy.
2. Applicant must obtain a Rental Permit from the Building Department.
3. Applicant must obtain a Building Permit from the Building Department.
4. Applicant must abide by all applicable State, Village and Local Codes.

Application of Carla Gilligan. Applicant seeks variances associated with the addition of 42sf to an existing dwelling including an increase in existing lot occupancy, an extension of a non-conforming side yard setback and to maintain insufficient setbacks for a shed and in-ground swimming pool pursuant to 183-32, 183-34, 183-40 and 157-2 of the Village Code. Premises located on the South side of Robbins Ln approximately 595 ft West of Richmond Ave in a BB Residence District known as 46 Robbins Lane also known as SCTM#101-9-8-5.

Stanley Stevens, Architect, 1679 Beech Street, Wantagh, NY spoke on behalf of this application.

Findings:

- Mr. Stevens stated that this is a small extension, bumping out kitchen a few feet to get an island into the kitchen renovation.
- The Gilligan's have a very small lot size; therefore, it requires a variance.
- Mr. Stevens stated that this is a simple project, with a small impact to make the kitchen work.
- The property side yard setback will not change (14 is required, they have 9.1 but it will not change (pre-existing non-conforming.)
- Based on the construction the lot coverage will increase by .007%
- Ms. Gilligan explained the whole yard is enclosed by a fence, and the access gates to the pool have locks and there is also a pool alarm.
- No one spoke for or against this application.

Motion to approve this application was made by Vice Chairperson Cullen 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. Ordon	aye

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must adhere to the plans presented to The Board.
2. Applicant must call the Building Department for inspections.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Laura Ellis, Esq as agent for Bang’s Towing. Applicant seeks a special exception to maintain outdoor storage pursuant to Section 183-96 of the Village Code. Premises located on the West side of Albany Ave approximately 250 ft South of Dixon Ave in an Industrial District known as 62 Albany Ave also known as SCTM#101-3-2-10.

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

Findings:

- Ms. Ellis stated that Bang’s Towing leases this property, month to month from the property owner.
- The property is a vacant lot with 54 foot of frontage directly across from Bang’s Towing business. They uses this lot to keep impounded cars, so the cars are not on Dixon Avenue.
- The Vehicles are not stored the for more than a week, they are then moved to a longer-term site.
- Ms. Ellis has observed between four to nine vehicles on the lot at a time.
- No one spoke for or against this application.

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Motion to approve this application was made by Mr. Smith and seconded by Vice Chairperson Cullen 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:

1. Applicant shall not sublease out the property.
2. Applicant must abide by all applicable State, Village and Local Codes.

Application of Wayne Thompson. Applicant seeks a use variance for the proposed conversion of an existing accessory building to an additional dwelling unit pursuant to Sections 183-9 and 183-23 of the Village Code. Premises located on the Southwest corner of the intersection of Bayview Ave and Avon Pl in an A Residence District known as 200 Bayview Ave also known as SCTM#101-6-2-7 & 6-2-8.

Jason Lee, Architect, Vytal Architecture, 4 Ethel Street, East Patchogue, spoke on behalf of this application.

Findings:

- Mr. Lee stated that there is an existing carriage house, at one time was used for living space, but not when he purchased the home last year.
- There had been plumbing in the past, but it was not there when he purchased the home a year ago.
- Mr. Thompson said that his mother has become ill and hopes to move into the carriage house.
- The driveway fits eight cars. Mr. Thompson lives there with his wife and three children.
- **John Camperlengo, 201 Bayview Ave, Amityville,** lives across the street. He concerned about changing the lot, he feels it is not in character with the neighborhood. He stated he is against the application.

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- **Dorothy Sorann, 185 Bayview Ave, Amityville**, she lives diagonally across and is concerned that the next owners would have the same right and could rent it out. She disapproves because is afraid that the use variance would go on to another go to the next owner.
- **Joe Rutigliano, 193 Bayview Ave, Amityville**, lives directly next door. Mr. Rutigliano is concerned because the carriage house is 14 feet away from his house. When the Rutigliano’s bought their home 6 years ago they liked the privacy. Mr. Rutigliano questioned in the event that something happened to Mr. Thompson’s mother, what will happen with the carriage house, hopefully it does not become a rental? Mr. Rutigliano is concerned what will happen to value of his property? He wants to protect his investment.
- **Don Milang, 132 Avon Place, Amityville**, stated the applicant keeps the home beautiful. He knows the home well and asked why The Thompson’s mother cannot live in the main home with them. Applicant said so they can both have their privacy.
- Two letters in opposition from residents **Anthony Guidone of 182 Bayview Ave, Amityville and Sean Ellis of 124 Avon Pl., Amityville** were both read into the record by members of the board.

Motion to deny 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

Application of 171 Merrick Rd, LLC. Applicant seeks to a use variance to legalize the conversion of an office to a third apartment in an existing mixed-use dwelling and a special exception for outside storage of landscaping equipment and materials pursuant to Sections 183-122 and 183-82 A. (10) (b) of the Village Code. Premises located on the South side of Merrick Rd approximately 146 ft East of Bennett Pl in a B-2 Business District known as 171 Merrick Rd also known as SCTM#101-7-8-2

Mark Garabrant, Esq., Donohue, Kretz and Garbarnt, 692 S Wellwood Ave, Lindenhurst, spoke on behalf of this applicant.

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Findings:

- The property lot is 75' x 375' deep, one of the deepest in the Village. There are driveways on each side of the building, with adequate vehicle storage.
- Mr. Garabrant stated that the two-story building is an attractive, well landscaped building.
- This property has been in the family for about 40 years.
- The space had been used for office space, but recently there has been less of a need for office space over the years. Converting to apartments, which has lessened the parking need.
- The mixed-use code allows for two apartments, but they have three, so a variance is needed for the third apartment (600 square foot studio). There are two others one-bedroom apartments. Office of JMI landscaping on first floor. They store about 5 trucks, and other landscaping equipment and storage trailers on the lot.
- One of the apartments is vacant, and the other two each have one resident
- **Joan Donnison, Bay Village Civic Association, Amityville**, was concerned about how this application was noticed; it was explained that this was a pre-pandemic holdover that was properly noticed.
- The Board discussed that the requested residential use was less intense use than the office use.
- The Board also observed that there are other mixed-use buildings in the area, so this is consistent with usage in the neighborhood.
- No one spoke for or against 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. Brice	aye
Mr. Smith	aye
Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Stipulations:

1. Application is approved until change of ownership.
2. Applicant maintain adequate off-street parking.
3. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
4. Applicant must obtain a rental permit.
5. Applicant must abide by all applicable State, Village and Local Codes.

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Application of 262 South Ketchum Avenue, LLC. Applicant seeks to renew a previously approved mixed-use dwelling in association with a change of ownership pursuant to Section 183-83 of the Village Code. Premises located on the East side of S. Ketcham Ave approximately 652 ft South of Morris St in a B-3 Marine Business District known as 262 S. Ketcham Ave also known as SCTM#101-11-8-38.1

Steven Kretz, Donohue, Kretz and Garabrant, 692 S Wellwood Ave, Lindenhurst NY, spoke on behalf of this application.

Findings:

- Mr. Kretz stated his client recently purchased the property and would like to continue the operation of the boat business. The applicant would like to raise the building for flood considerations because impacted by Sandy, and also install a single-family apartment on the second floor of the office building.
- Mr. Kretz said that there is an existing apartment, which they seek to enlarge, and it will not change the footprint of the building.
- The property floods quite frequently, at least once a month depending on the high tide.
- The apartment is a two bedroom with 1.5 baths.
- Applicant wants to raise the property 7 feet (including raising the grade 2 feet) no height variance required.
- **Joan Donnison, Bay Village Civic Association, Amityville**, was concerned about how this application was noticed; it was explained that this was a pre-pandemic holdover that was properly noticed.

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. Brice	aye
	Mr. Smith	aye
	Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

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Stipulations:

1. Applicant maintain adequate off-street parking.
2. Applicant is responsible for maintenance of the property. Applicant must adequately maintain the premises. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
3. Applicant must obtain a rental permit.
4. Applicant must obtain all proper building permits.
5. 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 Chairperson Cullen	aye
Mr. Brice	aye
Mr. Smith	aye
Mr. Ordon	aye

Motion carried: 5 ayes 0 nays

Vice Chairperson Ubert adjourned the meeting at 8:35 pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer