

**Zoning Board of Appeals
Minutes
April 22, 2021
Zoom Video Call**

Members Present: Richard Ubert, Chairman
Vice Chairperson Cullen
Roger Smith, Member
William Ordon, Member
Eric Taylor, Member

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

Absent: Robert Russo, Alternate Member

Meeting called to order at 7:04pm.

Chairperson Ubert welcomed everyone to the April 22, 2021, meeting of the Zoning Board of Appeals. He introduced himself and the Board Members.

Chairperson 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 wishes to speak please state their name and address for the record so that may be accurately recorded in to the minutes.

Chairperson Ubert called for a motion to approve the minutes from the March 18th, 2020, meeting.

A motion was made by Mr. Smith made a motion to approve the March minutes which was seconded by Vice Chair Person.

Vote on the Motion:	Chairperson 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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Application of Michael Schilling. Applicant seeks a special exception to maintain outdoor storage pursuant to Section 183-82 A. (10) (b) of the Village Code. Premises located on the South side of Merrick Rd approximately 202ft East of Richmond Ave in a B-2 General Business District known as 123 Merrick Rd also known as SCTM#101-7-7-2.

Chairperson Ubert stated that the application of Michael Schilling was originally heard on February 25th, 2021. Mr. Schilling failed to properly notify the adjacent property owners as required by law and was required to re-notify the property owners that his application was bring reheard tonight.

Michael Schilling, 123 Merrick Road, Amityville, NY, spoke on behalf of his application.

Findings:

- Mr. Schilling seeks renewal of a special exception permit for outdoor storage of vehicles. Mr. Schilling has been at the property for (45) forty years.
- Approximately (9) nine trucks and or cars are on the property. Three of the vehicles leave daily (during typical business hours), the other 6 generally never leave the premises.
- **Chairperson Ubert** read a letter from **Barbara Gianfrancesco, 19 Hildreth Court, Amityville,** a neighbor who has lived behind the property for 28 years.
- The fence between Mrs. Gianfrancesco and Mr. Schilling has been backed into for many years. Mr. Schilling fixed it but its twenty-five years old and needs to fixed or replaced.
- Mr. Schilling agreed to address Mrs. Gianfrancesco concerns.
- Mr. Schilling stated there are no flammable liquids stored, just equipment on the property.
- No one spoke for or against the application.

A motion to approve this application was made by Mr. Ordon and was seconded by Mr. Taylor.

Vote on the Motion:	Chairperson 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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Stipulations:

1. This application is approved for three years or until change of ownership whichever comes first.
2. Applicant will repair or replace and maintain fence as per the building department.
3. No landscaping trucks maybe be stored on the property.
4. There will be no working and or repairs on the vehicles stored outside the building.
5. There will be no storage of any flammable liquids.
6. There shall be no idling or engines left running on any vehicles at any time.
7. Applicant must maintain adequate off-street parking.
8. Applicant is responsible for maintenance of the property.
9. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
10. Applicant must abide by all applicable State, Village and Local Codes.

Application of Ralph Giglio. Applicant seeks a special exception to maintain outdoor storage pursuant to Section 183-96 of the Village Code. Premises located at the West end of Marconi Blvd approximately 59 ft West of the intersection of Prince Chico St in an Industrial District known as 10 Marconi Blvd a/k/a SCTM#101-4-2-10.

Ralph Giglio, 10 Marconi Blvd, Copiague, NY, spoke on behalf of his application.

Findings:

- Mr. Giglio has been at the property for five (5) years.
- Mr. Giglio bought the property from the previously owner, who also had a carting and rubbish removal business.
- Approximately twelve (12) trucks, four (4) cars and 27 dumpsters are on stored on the property.
- Mr. Giglio provided a detailed site plan with placement of the trucks and dumpsters.
- Mr. Giglio stated that garbage does not come back to the yard.
- No one spoke for or against this application.

A motion to approve this application was made by Mr. Smith and was seconded by Vice Chairperson Cullen.

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. This application is approved for three years or change of ownership, whichever comes first.
2. Applicant can store no more than twelve (12) dump trucks and no more than twenty-seven (27) empty dumpsters, as indicated on the site plan submitted.
3. Nothing over twelve (12) feet can be stored on the property and dumpsters cannot be stacked on top of each other.
4. Hours of operation: there can be no egress of commercial vehicles before 5:45am and no egress or ingress of commercial on Sunday.
5. No idling of commercial vehicles on the premises.
6. No garbage or debris can be store on the property. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
7. Applicant is responsible for maintenance of the property.
8. Applicant must abide by all applicable State, Village and Local Codes.
- 9.

Application of Ivelisse Canela. Applicant seeks a special exception for the installation of a 6' Fence in accordance with Section 183-139 A. (2) of the Village Code. Premises located on the Southwest Corner of the intersection of Sterling Pl and Burch Ave in a B Residence District known as 106 Sterling Pl a/k/a SCTM#101-3-3-13.

Ivelisse Canela, 106 Sterling Place, Amityville, NY, spoke on behalf of her application.

Findings:

- Ms. Canela said that she would like to put up a six (6) foot PVC fence.
- There are other six (6) foot fences in her area.
- The fence return is only in the rear of her home.

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- Ms. Canela asked for the fence for safety reasons, for her dogs and children.
- No one spoke for or against this application.

A motion to approve this application was made by Mr. Smith and was seconded by Mr. Ordon.

Vote on the Motion:	Chairperson 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 install fence with the good side facing towards the neighbors.
2. The fence must be properly anchored.
3. Applicant must obtain a Fence Permit.
4. Applicant must comply with all plans submitted to the Building Department.
5. Applicant must abide by all applicable State, Village and Local Codes.

Application of 228 Broadway Realty LLC. Applicant seeks a use variance to increase the number of apartments in an existing mixed-use dwelling from two to three in accordance with Section 183-81 of the Village Code. Premises located on the West side of Broadway approximately 210 ft North of West Oak St in a B1 Business District known as 228/230 Broadway a/k/a SCTM#101-3-5-9

Glenn Nugent, 31 Greene Ave, Amityville, NY 11701, Amityville spoke on behalf of his application.

Findings:

- 228 Broadway Realty is requesting a special exception to change office space in to a third (3) rear apartment, they came in December 2020, to increase the number of apartments from one to two.

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- There are two (2) store fronts are currently being used as one store O R Mattress (bedroom furniture.)
- 228 Broadway Realty is unable to rent the office space due to the pandemic, they demonstrated legitimate financial hardship. (Paperwork Submitted)
- Having the apartment requires less parking. There is adequate off-street parking.
- There are no exterior alterations needed to change from office space to the third (3rd) apartment.

A motion to approve this the application was made by Mr. Smith and was seconded by Mr. Taylor.

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. This application is approved for four (4) years or change of ownership, whichever comes first.
2. Applicant needs to obtain a rental permit for all three (3) apartments.
3. Applicant must maintain adequate off-street parking.
4. Applicant is responsible for maintenance of the property.
5. Applicant must ensure timely and appropriate disposal of all rubbish, trash, and garbage.
6. Applicant must conform to the plan submitted.
7. Applicant must abide by all applicable State, Village and Local Codes
- 8.

Application of Frank Tarantino. Applicant seeks area variances for exceeding lot coverage and an accessory structure side yard setback associated with the proposed addition of an in-ground swimming pool and outdoor kitchen in accordance with Sections 183-149 and 183-55 of the Village Code. Premises located on the West side of Braham Ave approximately 1185 ft South of Shore Rd in a B Residence District known as 95 Braham Ave a/k/a SCTM#101-13-4-16.

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Dr. Frank Tarantino, 95 Braham Ave, Amityville, NY 11701, Amityville spoke on behalf of his application.

- Dr. Tarantino is putting in a pool and an outdoor kitchen area.
- Outdoor kitchen area is not going to be covered.
- The lot coverage is going from thirty-two to thirty-five percent (32-35), which is deiminase.
- Dr. Tarantino is installing a sixteen by thirty-foot (16' x 30') inground pool.
- The barbecue will be moved over four (4') from the property line, which is different from the plan submitted prior to the meeting.
- **Joan Donnison, Bay Village Civil Association**, stated that she concerned about height of the planters, and how close the kitchen was to the property line. She is also concerned how the pool would hold up with another Sandy type storm.
- **Toby Fonte, 89 Braham, Amityville, NY** stated that this all along his property line, and he concerned about the kitchen and was worried there was an additional structure, but the application was for the outdoor kitchen.
- **Jeff Erath – 81 Braham, Amityville, NY** questioned whether a side yard setback was being sought and Chairman Ubert explained it was not, only lot coverage.

A motion to approve this the application was made by Vice Chairperson and was seconded by Mr. Smith.

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. The barbecue is to be four (4') feet from the property line.
2. The planters cannot be any higher than thirty-six (36") in height.
3. The approved outdoor kitchen barbecue may not be roofed or closed over.
4. Applicant must conform to the plan submitted.

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5. Applicant must apply to the Building Department for all proper building permits.
6. Applicant must abide by all applicable State, Village and Local Codes

Motion to adjourn the meeting was made by Mr. Ordon seconded by Vice Chairperson Cullen.

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

Motion carried: 5 ayes 0 nays

Chairperson Ubert adjourned the meeting at 7:43pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer