

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

Members Present: Richard Ubert, Chairman
Vice Chairperson Cullen
Roger Smith, Member
William Ordon, Member
Robert Russo, Alternate Member

Other Attendee: Tracey Gronbach, Secretary to the Board

Absent: Eric Taylor, Member

Meeting called to order at 7:02pm.

Chairperson Ubert welcomed everyone to the May 20, 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 April 22, 2021, meeting.

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

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

Motion carried: 5 ayes 0 nays

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

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.

Scott Erath, Central Realty Estates LLC, Amityville, NY requested an extension of his September 2019 approval due to COVID-19 related delays. Mr. Erath was also granted an extension in May of 2020.

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

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

Motion carried: 5 ayes 0 nays

Application of Nicholas A. Labriola. Applicant seeks a special exception to maintain the installation of a 6' Fence in accordance with Section 183-139 A. (2) of the Village Code. Premises located on the Northeast Corner of the intersection of S Ketcham Ave and Morris St in a BB Residence District known as 200 S Ketcham Ave a/k/a SCTM#101-11-6-6.

Nicholas Labriola, 200 South Ketcham, Amityville, NY, spoke on behalf of his application.

Findings:

- Mr. Labriola said that he was not aware that a fence permit was needed prior to installing the fence, and that he also needed approval from the Zoning Board of appeals for a six (6) foot fence.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

- Mr. Labriola’s put up a six (6) foot PVC fence because his home is close to bars and boat yards, and there are many people walking around and parking close to his home.
- The Labriola have a dog that has anxiety with people walking by, so the fence adds privacy and security for his family.
- There are other six (6) foot fences in the area.
- No one spoke for against the application this application.

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

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Russo	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 Patrice O’Neill. Applicant seeks a special exception to install a 6’ Fence in accordance with Section 183-139 A. (2) of the Village Code. Premises located on the North side of Bedell Pl approximately 385 ft East of Bayview Ave in a B Residence District known as 34 Bedell Pl a/k/a SCTM#101-6-4-73.

Daniel O’Neill, 34 Bedell Place, Amityville, NY, spoke on behalf of this application.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

Findings:

- The O’Neill’s would like to replace an old six (6) foot wood fence at the rear of their property.
- There are other six (6) foot fences in the area.
- No one spoke for or against this application.
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A motion to approve this application was made by Mr. Ordon and was seconded by Vice Chairperson Cullen.

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Russo	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 Kimberly Kelly. Applicant seeks a special exception to maintain the installation of a 6’ fence and a 4’ non-see-through fence in a yard abutting the water in accordance with Section 183-139 of the Village Code. Premises located on the West Side of Central Ave approximately 90 ft South of Morris St in a B Residence District known as 15 Central Ave a/k/a SCTM#101-11-8-5.

Kimberly Kelly 15 Central Ave, Amityville, NY, spoke on behalf of her application.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

Findings:

- Ms. Kelly has a six (6) foot fence that starts at rear of her house that steps down to four (4) feet past by the canal at the back of her property.
- Ms. Kelly has two dogs, which includes a large (100 Pound) Chocolate lab.
- There are other six (6) foot fences in the area.
- No one spoke for or against this application.

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

Vote on the Motion:	Chairperson Ubert	aye
	Vice Chairperson Cullen	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Russo	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 Peter T. Imbert. Applicant seeks a variance from Section 183-29 of the Village Code as the proposed ridge height required to accommodate a rear dormer exceeds the allowable building height. Premises located on the South side of Griffing Ave approximately 250 ft West of Grand Central Ave in an A Residence District known as 64 Griffing Ave a/k/a SCTM#101-12-3-44.

Peter Imbert, 64 Griffing Ave, Amityville, NY 11701, Amityville spoke on behalf of his application.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

Findings:

- Mr. Imbert would like to add a dormer that requires a height variance to increase the ridge height of his home. The variance would not be needed if the home had not previously been lifted due to Superstorm Sandy. Once the dormer is installed, it will not be higher than other homes in the area. Surrounding homes have higher ridge heights.
- The proposed ridge height is thirty-five point six feet (35.6'), which is three (3') higher than it is currently.
- No one spoke for or against this application.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must conform to the plan submitted.
2. Applicant must apply to the Building Department for all proper building permits.
3. Applicant must abide by all applicable State, Village and Local Codes

Application of Mark Searage. Applicant seeks variances from Sections 183-49 and 183-54 of the Village Code as the proposed additions of a front porch and rear deck exceed the allowable lot coverage and minimum rear yard setback. Premises located on the East side of Berger Ave approximately 620 ft South of Shore Rd in a B Residence District known as 60 Berger Ave a/k/a SCTM#101-13-3-12.

Mark Searage, Art of Form, 159 Broadway, Amityville, NY 11701 spoke on behalf of this application.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

Findings:

- The applicant seeks to fill an area in the front of the home with a covered porch and also expanding upon a pre-existing deck in rear of home.
- The existing lot coverage is twenty-seven-point seven percent (27.7%), and the proposing additions would be thirty-two percent (32%). It is currently existing non-conforming.
- The application fills in a void between the north and south side of the house. The new application will stay within footprint of the home.

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

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

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must conform to the plan submitted.
2. Applicant must apply to the Building Department for all proper building permits.
3. Applicant must abide by all applicable State, Village and Local Codes.

Application of Vincent Franco. Applicant seeks variances for insufficient front and rear yard setbacks, as well as lot coverage in association with the proposed 1st and 2nd Floor Additions to an existing single-family dwelling pursuant to Sections 183-32, 183-33, 183-137, of the Village Code. Premises located on the Southeast corner of the intersection of Marion Rd and South Ketcham Ave in a BB Residence District known as 32 Marion Rd a/k/a SCTM#101-11-3-1.

Vincent Franco, 32 Marion Rd, Amityville, NY spoke on behalf of his application.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

Findings:

- Applicant originally applied in November 2020, returned for December 2020 for further discussion to revised the application and plans to address concerns from the Zoning Board and members of the community.
- Mr. Franco made changes to the drawings, in which in reduced the original requested variances, which eliminated the need for lot coverage variance.
- The revised plans shortened the side of garage by eight (8) feet and the second story overhang from the master bedroom was to be removed.
- **Christopher Papile, 22 Marion Road, Amityville**, spoke in favor of this application.
- **Joan Donnison, Bay Village Civic Association**, asked questions confirming the lot size of this application based on the amended application.

A motion to approve this the 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. Russo	aye

Motion carried: 5 ayes 0 nays

Stipulations:

1. Applicant must conform to amended plans submitted.
2. Application must seek Planning Board Approval.
3. Applicant must apply to the Building Department for all proper building permits.
4. 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.

**Zoning Board of Appeals
Minutes
May 20, 2021
Zoom Video Call**

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

Motion carried: 5 ayes 0 nays

Chairperson Ubert adjourned the meeting at 7:43pm.

Respectfully submitted:

Catherine Murdock, Clerk/Treasurer