

**Zoning Board of Appeals  
Minutes  
September 17, 2020  
Zoom Video Call**

Members Present: Richard Ubert, Chairman  
Roger Smith, Member  
William Ordon, Member  
Todd Brice, Member  
Eric Taylor (Alternate Member)

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

Absent: Tracey Cullen, Vice Chairperson

Meeting called to order at 7:00pm.

Chairperson Ubert welcomed everyone to the September 17, 2020 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 comes to speak please state your name and address for the record and sign on the sign in sheet so we can record everything properly.

Chairperson Ubert made a motion to approve the July 16<sup>th</sup>, 2020, minutes with edits which was seconded by Mr. Taylor.

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

Motion carried:        5 ayes                    0 nays

**Mr. Brice** recused himself from voting on the next application because he was the applicant.

**Application of Todd D Brice.** Applicant seeks to renew a previously approved special exception for a two-family dwelling pursuant to Section 183-83 of the Village Code. Premises located on the West side of S. Ketcham Ave approximately 170ft South of Morris St in a B-3 Marine Business District known as 217 South Ketcham Ave a/k/a SCTM#101-11-1-14.

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**Todd Brice, 132 Ocean Ave, Amityville NY, spoke on behalf of this application.**

Findings

- Mr. Brice is seeking to renew the previous approved non-owner-occupied two-family dwelling.
- Mr. Brice purchased the property last fall.
- The property had been vacant for many years.
- Brian Donato the Building Inspector has inspected the property.
- The property had a marina in the back in the 1970-1980's.
- The property has adequate off-street parking.
- Mr. Brice is renovating the apartments and to bring them up to code.
- The first-floor front apartment is two bedrooms and one bathroom.
- The upstairs apartment is also a two bedroom and one bath.
- Each apartment has its own separate entrance.
- No residents spoke for or against this application.

Mr. Smith made a motion to approve this request which was seconded by Mr. Taylor.

Vote on the Motion:	Chairman Ubert	aye
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye
	Mr. Brice	reused

Motion carried:      4 ayes              0 nays              1 recuse

Stipulations:

1. This application is approved for four years or change of ownership whichever comes first.
2. Applicant must 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 apply to the Planning Board.
5. Applicant must obtain all proper building permits.

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6. Applicant must obtain a rental permit. 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.
7. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Vincent Franco III.** Applicant seeks a special exception to exceed the allowable height of a front yard fence pursuant to Section 183-139 A. (1) 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 Road a/k/a SCTM#101-11-3-1.

**Vincent Franco, 32 Marion Road, Amityville NY** spoke on his behalf of this application.

Findings:

- Mr. Franco purchased the property December 31, 2019 (last year)
- The property is on the corner of Marion Rd and S. Ketcham Ave.
- Mr. Franco would like to put a 1-foot decorative open panel on top of the existing 4-foot fence for more privacy (total five foot).
- The return is three-foot fence with the one-foot panel in the front of his home.
- No residents spoke for or against this application.

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

Vote on the Motion: Chairman Ubert	aye
Todd Brice	aye
Mr. Ordon	aye
Mr. Smith	aye
Mr. Taylor	aye

Motion carried:      5 ayes      0 nay

Stipulations:

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

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**Application of Kimberly Mellor.** Applicant seeks to renew a special exception for a two-family dwelling pursuant to Section 183-43 C. (6) of the Village Code. Premises located on the Northwest corner of the intersection of Cedar St and Oldfield Ave in a B Residence District known as 155 Cedar St a/k/a SCTM#101-5-4-27.3

**Kimberly Mellor, 155 Cedar Street, Amityville NY** spoke on behalf of this application.

Findings:

- Ms. Mellor has owned the home since the 2015.
- Ms. Mellor came to the ZBA in January 2016 - rental renewal (3-year approval)
- Ms. Mellor lives downstairs; upstairs is the same tenant who has lived there before she bought the property.
- The upstairs apartment is a one bedroom.
- There is adequate off-street parking (currently 3 spots)
- The building inspector said there were no violation at the time of inspection.
- No residents spoke for or against this application.

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

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

Motion carried:        5 ayes                                0 nays

Stipulations:

1. This application is approved for four years or change of ownership whichever comes first.
2. Applicant must obtain a rental permit. 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.
3. Applicant must maintain adequate off-street parking.

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4. 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.
5. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Philip Paladino.** Applicant seeks to renew a special exception to maintain a Mixed-use dwelling pursuant to Sections 183-68 F. (2) of the Village Code. Premises located on the East side of Broadway approximately 634 ft. South of Avon Pl in a Historical district known as 111 Broadway a/k/a SCTM#101-5-9-14.

**Philip Paladino, 197 Richmond Ave, Amityville NY** spoke on behalf of this application.

Findings:

- Mr. Paladino recently purchased the property.
- Mr. Paladino is seeking to renew a previous approved mixed-use dwelling. Past special exception changed with ownership.
- The mixed use as an office and 2 apartments.
- The apartments are one-bedroom with their own separate entrances.
- There is adequate off-street parking on the property.
- No residents spoke for or against the application.

Motion to approve this application was made by Mr. Smith and seconded by Mr. Taylor.

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

Motion carried:        5 ayes                      0 nays

Stipulations:

1. This application is approved for two year or change of ownership whichever comes first.
2. Applicant must 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.

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4. Applicant must obtain rental permits for the apartments.
5. Applicant shall contact the Building Department and schedule 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 44 Merrick Holding LLC.** Applicant seeks to renew a special exception to maintain a Mixed-use dwelling pursuant to Sections 183-82 A. (10) (a) of the Village Code. Premises located on the Northwest Corner of the intersection of Merrick Rd and Ketcham Ave in a B-2 General Business District known as 44 Merrick Rd a/k/a SCTM#101-7-1-27.

**Evelyn DeMartino and AnnMarie Fletcher, 5788 Merrick Rd, Massapequa NY** spoke on behalf of this application.

Findings:

- 44 Merrick Holding, LLC recently purchased the property.
- Ms. DeMartino said that they are seeking to renew a previous approved mixed-use dwelling. Past special exception changed with ownership.
- The mixed use as an office and one apartment.
- The office is an IT company with six employees and occupies the whole first floor.
- Normal business hours and no foot traffic.
- There is adequate off-street parking on the property.
- Joan Donnison, Bay Village Civic Association asked if they were the company by the car wash with the trucks. Ms. Fletcher confirm that was their previous location, they have moved to Farmingdale. And no commercial truck will be at this property.

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

Vote on the Motion:	Chairman Ubert	aye
	Mr. Brice	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 two year or change of ownership whichever comes first.
2. No storage of commercial vehicles.
3. No habitable space on the 3<sup>rd</sup> floor.
4. Applicant must maintain adequate off-street parking.
5. 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.
6. Applicant must obtain rental permits for the apartment.
7. Applicant shall contact the Building Department and schedule inspections within ten (10) days of the anniversary date of the Zoning Board of Appeals approval.
8. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Vanessa Rosario.** Applicant seeks to renew a special exception for a two-family dwelling pursuant to Section 183-26 C. (6) of the Village Code. Premises located on the Northeast corner of the intersection of Riverleigh Pl and S. Ketcham Ave in a BB Residence District known as 51 Riverleigh Pl a/k/a SCTM#101-7-6-24.2.

**Vanessa Rosario, 51 Riverleigh Place, Amityville NY** spoke on behalf of this application.

**Findings:**

- Ms. Rosario has recently purchased the property.
- Ms. Rosario is seeking to renew the previous approved owner-occupied two-family dwelling. Past special exception changed with ownership.
- Ms. Rosario lives downstairs; upstairs is her mother, brother, and sister.
- The upstairs apartment has 3 bedrooms.
- There is adequate off-street parking.
- The building inspector said no violation at the time of inspection.
- Diane Mellish's property backups to this property and she asked that the new homeowner's beware of how close the properties are. Since moving in there has been a few parties with loud music and barking dog. Ms. Mellish did say that she was in favor in favor of this application.

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Motion to approve this application was made by Mr. Smith and seconded by Mr. Brice.

Vote on the Motion:	Chairman Ubert	aye
	Mr. Brice	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 must obtain a rental permit. 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.
3. Applicant must maintain adequate off-street parking.
4. 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.
5. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Shea & Kristin Thorvaldsen.** Applicants seek an area variance associated with the proposed demolition and reconstruction of a detached boat house pursuant to Section 183-23 of the Village Code. Premises located on the West side of Riverside Ave approximately 125ft South of Perkins Ave in an A Residence District known as 73 Riverside Ave a/k/a SCTM#101-10-4-2.3

Mr. Brice recused himself since he received a letter and is a neighboring property. Applicant was advised that we have four-member board because of Mr. Brice recusing himself. Ms. Thorvaldsen was told that she could go forward with her application or wait until next month since there would only be four members voting and if it was two-two split vote it would be considered a denial and she would have to wait six months to reapply. Ms. Thorvaldsen said she like to forward with application at this meeting.

**Kristin Thorvaldsen, 72 Riverside Ave, Amityville, and Marguerite Koehler of TMS Waterfront** spoke on behalf of this application.



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Findings:

- Ms. Thorvaldsen stated that would like to demo and replace the boathouse and the bulkhead, with a new structure in accordance with Village Code.
- The existing boathouse was built in 1955.
- Under the 20% coverage (19.2) of property 1,288sf with boat slip.
- Ridge height 23.3 feet.
- DEC and Planning required.
- No residents spoke for or against the application.

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

Vote on the Motion:	Chairman Ubert	aye
	Mr. Brice	Recue
	Mr. Ordon	aye
	Mr. Smith	aye
	Mr. Taylor	aye

Motion carried:      4 ayes                      0 nays              1 reuse

Stipulations:

1. Applicant must obtain all proper DEC permits.
2. Applicant must go to the Planning Board.
3. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Nolan J. Lauterborn.** Applicant seeks variances associated with the elevation of an existing dwelling with addition of 2<sup>nd</sup> story pursuant to Sections 183-46, 183-50 & 183-54 of the Village Code. Premises located on the North side of Shore Rd approximately 270ft West of Central Ave in a B Residence District known as 51 Shore Rd a/k/a SCTM#101-13-1-5.

**Nolan Lauterborn, 1342 N. Monroe Ave, West Islip, NY** spoke on behalf of this application.

Findings:

- Mr. Lauterborn recently bought the property in May.
- Mr. Lauterborn stated that he would like to raise a family in this home.
- The home needs to be raised; it is in a flood zone.

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- 28 feet is allowed with flat roof, Mr. Lauterborn would like 4.7 more feet (32') with a peaked roof.
- The property size is 60 x 90, with side yard setback of 20 feet on the west side, which will stay the same.
- Mr. Ordon asked about outside utilities such as central air with the set back.
- Planning required.
- Cathy Schultz, 45 Shore Rd, Amityville asked is this setting a president for height with future homes in the area.
- Chairperson Ubert said there are similar height home in the area, not unreasonable.
- Mr. Lauterborn had a petition from neighbors in favor of this application.

Motion to approve this application was made by Mr. Smith and seconded by Mr. Taylor.

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

Motion carried:        5 ayes                      0 nays

Stipulations:

1. Applicant must go to the Planning Board.
2. Applicant must obtain all proper permits from the Building Department.
3. Applicant must abide by all applicable State, Village and Local Codes.

**Application of Edward Molter for Kathy Grechen.** Applicant seeks a variance to extend an existing non-conforming side yard setback associated with the proposed 461sf rear addition pursuant to Sections 183-17 of the Village Code. Premises located on the North side of Avon Pl approximately 346ft East of Broadway in an A Residence District known as 32 Avon Pl a/k/a SCTM#101-5-8-17.

**Edward Molter, 700 Lakeland Ave, Suite 2B, Bohemia NY** spoke on behalf of this application.

Findings:

- Mr. Molter stated that they want to add a new addition for a kitchen and a mud room, near the pool they just put in this summer.

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- Side is non-conforming.
- The addition will be 14.1' – 1.9 under the 16" allowable.
- The home is in a residential A and B district.
- No residents spoke for or against the application.

Motion to approve this application was made by Chairperson Ubert and seconded by Mr. Taylor.

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

Motion carried:        5 ayes                    0 nays

Stipulations:

1. Applicant must go to the Planning Board.
2. Applicant must obtain all proper permits from the Building Department.
3. Applicant must abide by all applicable State, Village and Local Codes.

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

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

Motion carried:        5 ayes                    0 nays

Chairperson Ubert adjourned the meeting at 7:50pm.

Respectfully submitted:

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Catherine Murdock, Clerk/Treasurer