

Board of Appeals
May 15, 2014

Members Present: Alison Varley, Chairperson
Richard Ubert
Todd Brice
Bill Ordon
Kirk Hurme

Also Present: Tom Whalen, Code Enforcement Officer
Diane Ortiz, Secretary to the ZBA

Meeting called to order at 7:00 p.m.

Chairperson Varley welcomed everyone to the May 15, 2014 meeting of the Zoning Board of Appeals, and introduced all the members. Chairperson Varley thanked Scott Erath and Chris Drutjons for their time and effort as past members of the Board. Chairperson Varley welcomed new member Bill Ordon and appointed Richard Ubert Vice Chairperson. Alternate Tracey Cullen was not present as she is in labor.

Chairperson Varley stated applicants are hereby notified that any/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.

Chairperson Varley called for a motion to approve the minutes of the April 17, 2014 meeting of the Board of Appeals, copies of which were sent to all members of the Board, with no corrections. Mr. Ubert so moved; Mr. Ordon seconded the motion.

Vote on the Motion	Mr. Ubert	-aye
	Mr. Brice	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 5 ayes 0 nays

Application of **Darren McVeety** (14-05-01). Applicant seeks to encroach the required side yard and aggregate widths pursuant to the addition of a one story 8 foot x 9 foot addition and first floor 27 foot x 28 foot deck to the rear of the existing two story, one family dwelling pursuant to Section 183-51 of the Village Code. Premises located on the north side of Sterling Place approximately 885' W/o Broadway [Route 110] in a Residential "B" District k/a 75 Sterling Place a/k/a SCTM #101-3-1-26

Findings:

1. House was built in 1897
2. Applicant is seeking a side yard variance 8' by 4' deep; existing non-conforming use
3. Applicant is staying within side footprint
4. Applicant presented plans for addition and deck
5. No one spoke for or against the application
6. Applicant is seeking 22' aggregate side yard

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Motion was made by Mr. Ubert, and seconded by Mr. Orden to approve the application, pursuant to NY Village law §183-51, in that the benefit to the applicant outweighed any detriment to the health, safety and welfare to the neighborhood, with the following stipulations:

1. Applicant have no additional air conditioning units on the property
2. Applicant must stay within the existing side footprint of the house as per submitted plans
3. Applicant cannot enclose roof/deck to become an enclosed structure
4. Applicant must abide by all applicable Federal, State and Local Codes
5. Applicant must obtain all necessary permits

Vote on the Motion	Mr. Ubert	-aye
	Mr. Brice	-aye
	Mr. Orden	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 5 ayes 0 nays

Application of **Debra Harding** (14-05-02). Applicant seeks to encroach the required side yard pursuant to the maintenance of the existing above ground swimming pool pursuant to Section 157-2 of the Village Code. Premises located on the south side of Locust Drive approximately 87 ' E/o County Line Road, in a Residential "B" District k/a 118 Locust Drive a/k/a SCTM #101-1-2-2

Findings:

1. Owned property for 19 years
2. Applicant's son, Delroy Stuart of 118 Locust Drive, spoke for the applicant who was absent
3. Applicant's pool, approximately 15' x 26' and oval in shape, was installed last summer in a vacant area (grass) of the yard, approximately August of 2013, next to a basketball court and 3' from the neighbor's fence; permit issued 7/19/2013 (exhibit 1) with stipulations that setbacks must be 6' (back and side yards); illustration submitted with the permit application did not show the deck (code is 12' for deck; 6' for setback).
4. Applicant installed a 6' fence a week prior to the pool being installed; no fence permit on file
5. Applicant has installed pavers in area of lawn near pool
6. Four neighbors total spoke against the application
7. One notarized letter from adjoining neighbor was received opposed to application
8. One resident spoke in favor of application

Motion was made by Mr. Brice, and seconded by Mr. Hurme, to deny the application, pursuant to NY Village law §183-51. The detriment to the health, safety and welfare of the neighborhood is greater as compared to the benefit to the applicant if the variance was granted as demonstrated by findings above. The applicant can move the pool and deck to required side yard setback. The area variance will cause undesirable physical or environmental conditions to the neighbor and the difficulty was self created.

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Vote on the Motion	Mr. Ubert	-aye
	Mr. Brice	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 5 ayes 0 nays

Application of **William Morrell** Attorney as agent for owner **Amity Corner Inc.** (14-05-03). Applicant seeks special exceptions to reduce the required off street parking and conversion of the existing two story business use building to a mixed use dwelling pursuant to Sections 183-129 and 183-82 A. (10) (a) of the Village Code. Premises located on the easterly corner of the intersection of Merrick Road [Rt 27A] and Broadway [Rt 110] in a "Business 2" District k/a 148-150 Merrick Road a/k/a SCTM #101-7-5-7.6

Findings:

1. First floor is fully rented; commercial use
2. Applicant has tried find businesse`s to lease 2nd floor for 2 years and has been unsuccessful; 2nd floor consists of two (2) 1,100 sq. ft. units that applicant would like to make into 1-bedroom units
3. Applicant has had several inquiries for residential rental of 2nd floor
4. There are six (6) total parking spaces existing that are reserved for tenants but are not easily accessible
5. Applicant is having difficulty paying the mortgage without renting 2nd floor
6. Building was rebuilt from fire in 2011 in original footprint with full basement for storage; parking in back would be available at night.

Motion was made by Mr. Ubert, and seconded by Mr. Ordon, to approve the application, pursuant to NY Village law §183-129 and 183-82 A. (10) (a), in that the benefit to the applicant outweighed any detriment to the health, safety and welfare to the neighborhood, with the following stipulations:

1. Applicant must limit 2nd floor to one (1), one bedroom unit or two (2) one bedroom units, not to exceed 1,100 sq. ft. each.
2. Applicant must secure two (2) 24-hour accessible secure parking spaces
3. Applicant must install fire suppression system (sprinklers) and proper egress for unit/s per NYS Building Code
4. Applicant must abide by all applicable Village, Federal, State and Local Codes
5. Applicant must obtain all necessary rental and other permits
6. Applicant must submit proof of parking space availability (lease)

Vote on the Motion	Mr. Ubert	-aye
	Mr. Brice	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

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Motion Carried: 5 ayes 0 nays

Application of **Christopher Pearson** (14-05-04). Applicant seeks a use variance pursuant to a previously approved special exception to convert the existing one family dwelling to a two family dwelling pursuant to Section 183-43 of the Village Code. Premises is located on the northerly corner of the intersection of County Line Road and Cottage Place in a Residential "B" District k/a 69 County Line Road a/k/a SCTM #101-7-1-47

Findings:

1. Applicant was not in attendance at hearing and proof of Posting and Mailings was not submitted

Motion was made by Mr. Ubert, and seconded by Mr. Ordon, to dismiss the application. Applicant must reapply to the Zoning Board.

Vote on the Motion	Mr. Ubert	-aye
	Mr. Brice	-aye
	Mr. Ordon	-aye
	Mr. Hurme	-aye
	Ms. Varley	-aye

Motion Carried: 5 ayes 0 nays

There being no further business to come before the Board of Appeals; Mr. Ubert made a motion to adjourn the meeting; Mr. Brice seconded the motion.

Diane C. Sheridan, Administrator/Clerk

Meeting was declared adjourned at 8:00 p.m.