

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**December 12, 2016**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:00 p.m. at the Village Hall.

Members present: Chairman William Cotey, Amy Flores, Walter Oakley, Kurt Schultz, and David Semmelman.

Members absent: Matthew Krummick and Mark Moore.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; David Smith, Senior Planner; and Fred Chung, Senior Project Engineer.

Board Member Schultz moved, seconded by Board Member Oakley, to approve the November 14, 2016, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 16-25 Steven Spinell and Haley Spinell, Applicants  
817 E. Rockland Road**

**Request is for variations to: 1) reduce the minimum required corner side yard setback from 30 feet to approximately 9 feet in order to construct a house addition with a covered porch; and 2) reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet in order to construct an addition to a detached garage in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, introduced the request for variations to the Zoning Board of Appeals. He stated that the petitioners are requesting variations to reduce the minimum required corner side yard setback in order to construct a house addition and the minimum required corner side yard setback in order to construct an addition to a detached garage in an R-6, Single Family Residential District at 817 E. Rockland Road.

Mr. Smith stated that the petitioner is proposing to construct a second story addition onto an existing single story residence. He stated that there is a seven (7) foot expansion to the south towards the rear, but the encroachment towards the Kenwood Avenue corner side yard property line does not exceed the current 14.8 foot setback except for the proposed front covered porch. He stated that the supporting posts for the covered porch shall have a setback of approximately nine (9) feet from the corner side yard property line.

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Mr. Smith stated that the petitioner is proposing to construct an addition to the detached garage, but not expand the footprint. He stated that they are proposing to increase the height to 18.8 feet. He stated that the detached garage has a current setback of 16 feet, but a variation for setback is still required in order to allow the addition to the height.

Ms. Haley Spinell, petitioner, presented her case for the requested variations. She stated that the property is a corner lot at Kenwood and Rockland Road. She stated that except for the front covered porch, the foundation of the home will not encroach any closer than where it currently lies. She stated that the garage improvements will make the garage taller, but not closer to the corner side yard property line.

Ms. Martha Watanabe, 812 E. Rockland Road, stated that she is concerned that the impact of the construction may affect the area of the street that was subject to a sinkhole event that happened several years ago.

Mr. Fred Chung, Senior Project Engineer, stated that the sinkhole has been back-filled and repaired and he does not anticipate that it will be a problem.

Chairman Cotey asked what is the weight limit for the adjacent street. Mr. Chung stated that it was designed to withstand 2.5 tons.

Board Member Schultz stated that the proposed plans are an attractive improvement, but asked if the petitioner would consider cutting down the size of the porch encroachment. Ms. Spinell stated that there are other porches in the neighborhood that encroach into the required yard, but stated that they would consider a smaller porch.

Board Member Schultz stated that he is concerned about a precedent.

*In the matter of ZBA 16-25.1), Board Member Oakley moved, seconded by Board Member Schultz, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 9 feet in order to construct a house addition with a covered porch in an R-6, Single Family Residential District, in accordance with the plans submitted.*

*Motion carried 4 - 1.*

*Ayes: Cotey, Flores, Oakley, Semmelman*  
*Nays: Schultz*  
*Absent: Krummick, Moore*

*In the matter of ZBA 16-25.2), Board Member Semmelman moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 16 feet in order to construct an addition to a detached garage in an R-6, Single Family Residential District, in accordance with the plans submitted.*

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*Motion carried 5 - 0.*

*Ayes: Cotey, Flores, Oakley, Schultz, Semmelman*  
*Nays: None*  
*Absent: Krummick, Moore*

**ZBA 16-26 Joseph Massarelli, Mass Properties, Applicant**  
**1000 E. Park Avenue**

**Request is for variations to: 1) increase the maximum permitted number of business wall signs from one (1) to six (6); and 2) increase the maximum permitted sign area from 32 square feet to 120 square feet for property located in an I-3, General Industrial District.**

Mr. David Smith, Senior Planner, introduced the request sign variations. He stated that the petitioner, Liberty Auto City, is requesting approval for sign variations in order to install three (3) new wall signs on a vehicle dealership building for the Subaru dealer brand in an I-3, General Industrial District located at 1000 E. Park Avenue.

Mr. Joe Massarelli, petitioner, stated that the Subaru Corporation is requiring the signs he is seeking approval for.

Chairman Cotey asked what happened to the Mazda sign. Mr. Massarelli stated that it is gone.

Board Member Schultz asked about the re-facing of the freestanding sign to include multiple services. Mr. Massarelli stated that the sign company, North Shore, will work with the Village to get this sign into compliance. He stated that the work thus far on the Subaru dealership has made a dramatic improvement.

*In the matter of ZBA 16-26.1), Board Member Oakley moved, seconded by Board Member Flores, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of business wall signs from one (1) to six (6) for property located in an I-3, General Industrial District, in accordance with the plans submitted.*

*Motion carried 4 - 1.*

*Ayes: Cotey, Flores, Oakley, Semmelman*  
*Nays: Schultz*  
*Absent: Krummick, Moore*

*In the matter of ZBA 16-26.2), Board Member Semmelman moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted sign area from 32 square feet to 120 square feet for property located in an I-3, General Industrial District, in accordance with the plans submitted.*

*Motion carried 4 - 1.*

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*Ayes: Cotey, Flores, Oakley, Semmelman*

*Nays: Schultz*

*Absent: Krummick, Moore*

**COMMUNICATIONS AND DISCUSSION:**

Board Member Oakley moved, seconded by Board Member Schultz, to adjourn the Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Meeting adjourned at 7:42 p.m.