



Mr. Peterson, Mr. Cronin and Mr. Gizzi have reviewed the application and the Village Code and agree that there is ambiguity in Section 180 of Village Code with respect to the issue of whether the modification to Mr. Morris' home constitutes a single family home with an apartment, or a two-family dwelling.

Discussion included:

- "Apartments" is not a permitted use.
- The definitions of a two-family dwelling, a dwelling unit and an apartment.
- Mr. Morris submitted a building permit for an "apartment", which Mr. Gizzi rejected due to the Village Code stating that "apartments" is not a permitted use.
- Because the building permit was rejected by the CEO, Mr. Morris appealed to the ZBA.
- It is difficult to distinguish between a two family dwelling and an apartment, given the definitions in the Village Code.
- There are other houses in the Village with second dwelling units which existed before Zoning was adopted by the Village. In such a case, such additional dwelling, whether apartment into a two family dwelling, would be a non-conforming use. A non-conforming use which is abandoned must be continued within two years, or its status as a pre-existing, non-conforming use lapses.
- The entire Village Code was re-codified as a local law in 2008.
- Mr. Peterson stated that, under New York State law, when there is an ambiguity in a zoning law, it is resolved in favor of the applicant/landowner.
- The ZBA, Mr. Peterson and Mr. Gizzi discussed the requirement for off-street parking. Mr. Peterson stated that the ZBA could issue a special permit to allow for parking on another private property within 500 feet of his property, but Mr. Morris stated that he did not wish the ZBA to grant this relief, as he had room in his existing driveway for two vehicles.
- Mr. Peterson stated that the Zoning Board of Appeals had all of the information necessary to make a decision tonight.

A RESOLUTION WAS MOVED by Ms. Lloyd that the Zoning Board of Appeals finds that the dwelling at 37 George Avenue, owned by Aaron Morris, is a two-family dwelling, not an apartment house, as defined under the Village Code, and that therefore Mr. Morris does not need a use variance, and since Mr. Morris is not seeking permission from the ZBA to park within 500 feet of his property, that it has no further

jurisdiction over the matter. The MOTION was seconded by Mrs. Marchione.

Ms. Lloyd – aye

Mrs. Marchione –aye

Mr. Marion – absent

Mr. N’Dolo – absent

Mr. Cronin – aye

MOTION APPROVED

Mr. Cronin, Mr. Peterson and Mr. Gizzi discussed the need for a building permit and code requirements for the recent improvements. Mr. Morris and his contractor will work with Mr. Gizzi will work to bring the building into compliance.

The Village Board briefly discussed the ambiguity in Section 180 of the Zoning Laws at their meeting. Only the Village Board can amend a local law and noted the need for clarification.

MOTION by Mr. Cronin to adjourn the meeting at 7:50 P.M., SECONDED by Ms. Lloyd.

MOTION APPROVED

Respectfully submitted,

Lois J. Whitbeck

Village Clerk