

MINUTES OF THE VILLAGE OF ATLANTIC BEACH  
BOARD OF ZONING APPEALS MEETING  
65 THE PLAZA, ATLANTIC BEACH, NY 11509

FEBRUARY 16, 2017

CALL TO ORDER

At 8:00 PM Chairman Anthony Siniscalchi called the meeting to order.

ROLL CALL

Present were:

Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Allan Jacobs  
Commissioner Steven Watkins  
Alternate Commissioner Jesse Lunin-Pack

Village Attorney Charles S. Kovit  
Building Inspector Steve Cherson  
Village Clerk Emily Siniscalchi  
Court Reporter Linda Caffera

Jesse Lunin-Pack was sworn in by the Village Clerk - Alternate Commissioner for one year term - January 1, 2017 to December 31, 2017.

Village Clerk Emily Siniscalchi read the procedure that we will be following for this meeting.

Village Clerk Emily Siniscalchi said anyone that wishes to speak tonight must sign in.

Village Clerk Emily Siniscalchi said the approval for the following would take place at the end of this meeting.

- Approval of Minutes

- Approval of Findings of Facts

Chairman Siniscalchi asked Steve Cherson to state the relief the applicant is seeking.

Case # 17304 - Adam & Wendy Cohen, 80 Nassau Avenue

To construct a 15' x 34' in-ground swimming pool in the side yard setback with fencing higher than permitted.

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 46, Lots 58-62 on the Nassau County Land and Tax Map.

Article XI - Swimming Pools

§250-84 Conditions for installation and maintenance.

A. No outdoor swimming pool shall be installed or maintained unless:

(1) Such pool is installed wholly in the rear yard of the premises.

Article V - C Residence District

§250-41 Fences

A fence, not exceeding six feet in height, shall be permitted on the rear lot line and those linear portions of the side lot lines enclosing a rear yard and side yard; provided, however, that the six foot fencing and its relationship to the street fronting upon the premises shall not exceed a greater distance frontward to the street than the front building line of adjacent dwellings on either side. For purposes of interpretation, a front building line shall refer only to the principal structure and shall

Case # 17304 - Adam & Wendy Cohen, 80 Nassau Avenue  
(Continued)

not include patios, porches or other extensions thereto. Fencing for all other lot lines shall not exceed five feet in height except when permitted as a special exception by the Board of Zoning Appeals. In every case, the finished or "good" side of the fence shall face outward facing a legal street.

Chairman Siniscalchi asked if there was anyone to speak.

Sworn in was Tom Cardone , for Architect Tom O'Connell, 1200 Veterans Highway, Hauppauge, NY 11788 representing Adam & Wendy Cohen. He gave an overview of the proposed construction. He said there is an existing in-ground swimming pool, but instead of repairing it they would like to put a new swimming pool in the side yard - the property is 100 x 85 and did not want the fence gate to be seen from the front.

Chairman Siniscalchi asked if there was anyone to speak for - there was no one. Chairman Siniscalchi asked if there was anyone to speak against - there was no one.

Commissioner Baessler moved the adoption of the following:

RESOLVED, to grant Case # 17304 as submitted providing the proposed fence on the rear side lines and the rear of the property is a 6' high wood fence and coming across from north to south is a 6' high wrought iron railing that will go across enclosing the side yard of the pool. Forward of the 6' high wrought iron rail the masonry wall drops to 5' heading west and then going across the front of the house at the property line 5' high - then at the north corner going 5' high to the front edge of the house.

The foregoing was seconded by Chairman Siniscalchi and passed by the following vote:

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Allan Jacobs  
Commissioner Steven Watkins

Noes: None

APPROVAL OF FINDINGS OF FACTS

Each member of the Board was given a copy of the Findings of Fact and given an opportunity to review and correct.

Commissioner Watkins moved the adoption of the following:

RESOLVED, to accept the Findings of Facts for the following case as written by the Village Clerk:

Case # 17303 - Bay Ana LLC, 1590 Bay Boulevard (Avi & Gail Friedman)  
Modify existing BZA granted application #16297 to construct a two story single family dwelling

The foregoing was seconded by Chairman Siniscalchi and passed by the following vote:

APPROVAL OF FINDINGS OF FACTS (Continued)

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Steven Watkins

Noes: None

Commissioner Jacobs not present at the January meeting.

APPROVAL OF MINUTES

Each member of the Board was given a copy of the Minutes and given an opportunity to review and correct.

Commissioner Baessler made a motion to accept the minutes of January 19, 2017 as written by the Village Clerk – seconded by Commissioner Watkins and passed by the following vote:

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner Steven Watkins  
Commissioner George Cornish

Noes: None

Commissioner Jacobs not present at the January meeting.

ADJOURNMENT

At 8:30 PM Chairman Siniscalchi made a motion to adjourn.

The foregoing was seconded by Commissioner Watkins and passed by the following vote:

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Allan Jacobs  
Commissioner Steven Watkins

Noes: None

*Emily Siniscalchi*

---

Emily Siniscalchi, Village Clerk