

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

MARCH 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 Allan Jacobs
Commissioner Steven Watkins

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

Absent: Commissioner George Cornish EXCUSED
Alternate Commissioner Jesse Lunin-Pack EXCUSED

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 # 17305 - 62 Kings Avenue Split Purchase Trust, 62 Kings Avenue

To construct a 16' 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 49, Lots 53-56 on the Nassau County Land and Tax Map.

Article XI. Swimming Pools

§250-84 Conditions for installation and maintenance

A(1) No outdoor swimming pool shall be installed or maintained unless: Such pool is installed wholly in the rear yard of the premises.

Proposed pool is partially located in the side yard setback

Article V. C Residence District (C)

§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 # 17305 - 62 Kings Avenue Split Purchase Trust (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.

Proposed 6' high fence is forward of the front building line

Chairman Siniscalchi asked if there was anyone to speak for

Sworn in was Henry M. Monteverde, Architect, 230 Kingston Boulevard, Island Park, NY 11558 and was here on behalf of Mr. Fink. He said the existing fence is 5' and they want to increase it to 6' - seeking an additional foot for privacy.

Commissioner Watkins asked why does the fence have to go up 12" in the front and Mr. Monteverde said for privacy. Commissioner Watkins said they can put bushes there. Mr. Monteverde went and spoke to Mr. Fink and it was agreed that they will bring the fence down to 5'.

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 # 17305 on the condition that the swimming pool be permitted in the side yard setback and fencing around pool will be 6' from their property line to the front wall of the dwelling and from the front wall of the dwelling towards the street will be 5' in height.

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

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

Noes: None

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

Case #17306 - Michael Kadoe, 85 Erie Avenue

To construct a two story single family dwelling.

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 56, Lot 126 on the Nassau County Land and Tax Map.

Article V "C" Residence District

§250-36 - Lot Coverage.

The lot coverage shall not exceed 30% of the lot area.

Proposed lot coverage 42.64%

§250-38 - Side Yards

A. (9) In case of a single-family dwelling, there shall be two side yards, one on each side of the main building, the aggregate widths of which shall be at least 15 feet. Neither side yard shall be less than five feet.

Proposed side yard aggregate 9.93 feet

Case #17306 - Michael Kadoe, 85 Erie Avenue (Continued)

§250-40 - Permitted encroachments

A. (9) Stairs no greater than four feet in width and secondary landings no greater than four feet by four feet projecting into the front yard setback shall be permitted, shall not count towards lot coverage.

Proposed front yard setback 4.25 feet (Front Stairs)

Article XV . General Provisions

§250-108 (J) Prohibited and restricted uses. Buildings within the Village of Atlantic Beach shall be constructed with a peaked or gable roof only.

Portion of the proposed roof is constructed as a flat roof

Chairman Siniscalchi asked if there was anyone to speak on this case.

Steven Kaiser, Esq., 600 Old Country Road, Garden City, NY 11530 presented the case. He explained to the Board the proposed construction. He said the house is further back than what is presently there; side yard has bump outs; flat roof over a rear deck 329 sf and he believes there are others in the village similar; overall house is in character with neighborhood.

Next to be sworn in was the Architect - Eric Kupferberg, RA, 125 Taft Avenue, Long Beach, NY 11561. He said currently there are 2 garages before detached and tried to be sensitive to other houses on the block; house will be pushed back 2 1/2' further than existing house; north side room has a 3' extension - 8.93; chimney on south side can be brought into the house so they can maintain 4' side yard setback; putting roof flat no problem; overall coverage trying to create a nice backyard.

Chairman Siniscalchi asked if there anyone to speak for - there was no one
Chairman Siniscalchi asked if there was anyone to speak against - there was no one
Leonard Tonetti, 81 Erie Avenue was sworn in and said he just had a few concerns - setback on side 4' and behind garage is his kitchen and Mr. Kupferberg said they can make some changes.

Commissioner Jacobs moved the adoption of the following:

RESOLVED, to grant Case # 17306 as follows: The applicant has made a revision to the plan increasing the side yard setback on the south side from 4' to 5' taking the chimney that is encroaching into the side yard and making it flush with the south side wall. On the north side of the property reducing the side yard 3' bump out by moving that to the rear of the house, therefore increasing the side yard setback to 8.93'. Reducing the front stairs that are 10.7' to 4'.

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

Ayes: Chairman Anthony Siniscalchi
Commissioner Carl Baessler
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.

APPROVAL OF FINDINGS OF FACTS (Continued)

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 # 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.

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

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

Noes: None

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 February 16, 2017 as written by the Village Clerk – seconded by Commissioner Jacobs and passed by the following vote:

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

Noes: None

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 Allan Jacobs
Commissioner Steven Watkins

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk