

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

APRIL 20, 2017

CALL TO ORDER

At 8:10 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

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

Absent: 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 Mr. Cherson to state the relief the applicant is seeking.

Case # 17307 - Patricia Berkule, 62 Ithaca Avenue

Construct a new one story rear addition with a rear deck and side deck with screened enclosure and canvas awning

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 51, Lots 53-56 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 33.7%

§250-39 - Rear Yards: There shall be a rear yard, the depth of which shall be at least 25 feet, provided that, if at the time this chapter becomes effective any lot is held in single and separate ownership with a depth of less than 100 feet, the required depth of the rear yard may be diminished by three inches for each foot of difference between 100 feet and the depth of the plot, but in no case shall the depth of the rear yard be less than 15 feet.

Proposed rear yard setback 11.75 feet

Case # 17307 - Patricia Berkule, 62 Ithaca Avenue (Continued)

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

Sworn in by Village Attorney Kovit was Jean Kennedy, Architect, 32 Jackson Place, Massapequa, NY.

She submitted into evidence:

Applicant Exhibit 1: 6 photographs

She explained the photographs to the Board and the pictures show the distance from the proposed rear addition to the existing properties.

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

Sworn in was Francine Rosenberg, 57 Jefferson Boulevard - she said her house is directly in back and is the neighbor most affected - she said why don't they put it in the rear yard - they have plenty of room - just because she wants a flower garden.

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

Architect said the deck Mrs. Rosenberg is talking about is in the back.

Mr. Cherson explained the lot coverage.

Mr. Baessler said under a fair reading and application of the statutory criteria, it is clear that the application should be denied. It will create an unduly adverse affect on surrounding area character. The proposed addition would bring a great and overriding hardship to the adjoining homeowner to the rear of the premises. That person's privacy would be unreasonably compromised, as well a substantial loss of afternoon sunshine. This hardship overrides any benefit gained by the applicant if the variance was granted.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, that Case # 17307 has been denied.

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

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

Noes: Commissioner Carl Baessler

Chairman Siniscalchi asked Mr. Cherson to state the relief the applicants are seeking.

Case # 17308 - Jody Alpert Levine & Elie Levine Trustees of the JELAB Trust
77 Genesee Boulevard

Raise the grade of the existing property

Case # 17308 - Jody Alpert Levine & Elie Levine Trustees of the JELAB Trust
77 Genesee Boulevard (Continued)

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 54, Lots 10-19 on the Nassau County Land and Tax Map.

Article V "C" Residence District

§ 250-33.1 Grading: For all lots upon which any proposed grade change is in excess of two feet, where the total area of the lot containing the proposed work is in excess of 100 square feet and where the grade is permitted to be increased up to two feet, the grade shall not be permitted to be increased to within 10 feet of the front, side and rear property lines. No person, firm, or corporation or entity shall alter the grade of any parcel of land without first having obtained the approval of the Board of Zoning Appeals.

Proposed grade change .8 - 2.79 feet

Chairman Siniscalchi asked if there was anyone to speak for.

Sworn in by Village Attorney Kovit was Ann Coombs, Architect, 372 DeKalb Avenue, Brooklyn, NY

She had a drawing for the plan and explained it to the Board. Her plans showed the demolished house and dots showing where the grade will be raised.

Chairman Siniscalchi asked about the drainage and she said they will have drywells but do not know where they will be placed yet. Commissioner Cornish asked if the house will be demolished first then graded and she said yes. Commissioner Baessler asked about the spots on the drawings and she then explained the proposed grade. She also mentioned they are going to FEMA to get rezoned because the owner is concerned about water.

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

Sworn in by Village Attorney Kovit was Donald Feinsod, 84 Fulton Avenue, Atlantic Beach. He asked the Architect what effect will the draining be - his house is behind this property. Architect said they will rebuild the retaining wall and he then asked her various questions on the depth of the wall, etc. She said they still do not have an engineer but no draining will go onto the Feinsod property. Mr. Feinsod said how can you guarantee that water will not go onto his property and she said the drywells will be designed and will not drain onto other properties.

Mr. Cherson explained the application - grade change/retaining wall at this time then next will be the house construction.

Mr. Kovit said to Mr. Feinsod to give a letter to the Village Clerk and under Freedom of Information Law you can get a copy of the house plans.

Chairman Siniscalchi asked if there was anyone else to speak

Sworn in by Village Attorney Kovit was Barry Felder, 64 Genesee Boulevard, Atlantic Beach, NY. He said he lives a little further to the south and his concern is when the land is raised and a period of time property is raised and no draining yet.

Chairman Siniscalchi asked is there was anyone else to speak

Case # 17308 - Jody Alpert Levine & Elie Levine Trustees of the JELAB Trust
77 Genesee Boulevard (Continued)

Sworn in by Village Attorney Kovit was Mireille Heyman, 72 Fulton Avenue, Atlantic Beach and she said her house is behind this property. She asked if the retaining wall will be higher than present in case a surge like Sandy.

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

Commissioner Watkins asked if a wall will be built before any filling and the Architect said everything will be built then filled.

Commissioner Cornish moved the adoption of the following:

RESOLVED, Case # 17308 - that the retaining wall be built and no run off to neighboring properties.

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

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

Noes: Commissioner Carl Baessler

Case # 15278 - 88 Dutchess Boulevard LLC, Atlantic Beach, NY

Mr. Cherson said on October 15, 2015 the Board of Zoning Appeals granted a variance to reconfigure the attic space and since that time no building permit has been issued and now the applicant want to move forward with the project. The applicant made no application for an extension of time as required by Section 250-99 or has a permit been issued within four months or been issued a building permit as required by Section 250-98A and B.

The applicant sent a letter (received April 11, 2017) stating she was unaware that she exceeded the time limit to receive a permit. She said she has been trying to get revised plans from her architect John Novello and was promised she would receive the plans. She said she has already paid a contractor and it is nonrefundable. She said after taking further steps she finally received completed drawings and is asking that her variance be extended.

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

Sworn in by Village Attorney Kovit was Dawn Ziccardi - 88 Dutchess Boulevard. She said she had a problem with the plans and the Architect she had now works at the Town of Hempstead - they went to the Town of Hempstead and Mr. Novello brought her the plans the next day.

Commissioner Baessler said he reviewed the amended plans and the Board originally granted a pull down staircase and the new plans have a staircase (not a pull down). Chairman Siniscalchi asked why there are so many windows - it looks like a 3rd story and Mrs. Ziccardi said it is for esthetics and storage - she is a designer.

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

Case # 15278 - 88 Dutchess Boulevard LLC, Atlantic Beach, NY (Continued)

Mrs. Ziccardi said she had hoped if the decision would be made tonight because they have already rented a house.

Issac Hershko, 88 Dutchess Boulevard then came to the meeting. Attorney Kovit sworn in Mr. Hershko. He said he has lost hundreds of dollars, have rented PODS for the last three years; paid full amount to the Architect;; was not aware permit expired - the construction is for storage only. Chairman Siniscalchi said the Board need a little time to review this. Commissioner Cornish said they need a new drawing showing the pull down staircase. He was told this has been adjourned to the May meeting and new plans have to be submitted.

Commissioner Jacobs moved the adoption of the following:

RESOLVED, to reserve decision and a decision will be made within 30 days.

The foregoing was seconded by Commissioner Cornish 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 Jacobs moved the adoption of the following:

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

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

Case #17306 - Michael Kadoe, 85 Erie Avenue
To construct a two story single family dwelling.

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: Commissioner George Cornish
(absent for March 16, 2017 meeting)

APPROVAL OF MINUTES

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

Chairman Siniscalchi made a motion to accept the minutes of March 16, 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 Allan Jacobs
Commissioner Steven Watkins

Noes:

Commissioner George Cornish
(absent for the March 16, 2017 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, Village Clerk