

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

JULY 20, 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
Village Attorney Charles S. Kovit
Building Inspector Steven Cherson
Village Clerk Emily Siniscalchi
Court Reporter Denise Carroll

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 applicants are seeking.

Case # 17312 - Peter & Barbara Duffy, 2150 Pacific Boulevard

Construct a wood deck on the west side of property

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 16, Lot 55 on the Nassau County Land and Tax Map.

Article IV "A" Residence District
§250-23 - Side Yards

A. 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 14 feet. Neither side yard shall be less than four feet wide.

Proposed side yard setback 1 foot

Chairman Siniscalchi asked if there was anyone to speak for.

Sworn in by Village Attorney Kovit was Nicholas Cappucci, Todd O'Connell Architect PC, 1200 Veterans Highway, Hauppauge, NY 11788.

He gave an overview of the proposed deck.

He submitted into evidence were Applicant Exhibit 1 and 2 -
Google map photos of property

Case # 17312 - Peter & Barbara Duffy, 2150 Pacific Boulevard (Continued)

Chairman Siniscalchi asked if there was anyone else to speak for - there was no one
Chairman Siniscalchi asked if there was anyone to speak against -
Sworn in was Ron Cook, 49 Daytona Street and he said he was just interested - his
house is one block away. Commissioner Baessler said the property is not adjacent
to any residence it is next to the beach club.

Commissioner Baessler moved the adoption of the following:

RESOLVED, to grant Case # 17312 - Peter & Barbara Duffy,
2150 Pacific Boulevard to construct a wood deck on the west
side of property as submitted.

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

Case # 17313 - JELAB Trust, 77 Genesee Boulevard

Construct a two story single family dwelling with attached garage.

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

§250-35 Height

A. In the case of a single-family dwelling, no building shall be greater in height than
2 1/2 stories with a maximum height of 28 feet to peak.

Proposed height 32' - 4 1/2"

§250-37 Front Yards

A. The required front yard depth shall be the same as the average front yard depth
of the existing buildings within 200 feet on each side of the lot and within the same
block in the same use district.

Average front yard setback 17.8 feet

Proposed front yard setback 14.3 feet

Proposed front steps 0 feet

Article XV - General Provisions

§250-108 Prohibited and restricted uses.

J. Buildings within the Village of Atlantic Beach shall be constructed with a peaked
or gable roof only.

14' x 24' area of roof is a flat deck

§250-129 Maximum building area and minimum side yards for certain oversized lots

Permitted side yard setback 15 feet, proposed 5 feet

Permitted lot coverage 23.72%, proposed 33.55%

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

Sworn in by Village Attorney Kovit was Ann Coombs, Architect, 127 River Road,
Essex, CT 06426. She presented the case - owner has five children and wants to

Case # 17313 - JELAB Trust, 77 Genesee Boulevard (Continued)

design light, higher ceilings - original house 13.5' away from property line and how it will be 17.8'.

Ann Coombs had letters from a neighbors which were submitted into evidence and read by Attorney Kovit.

Applicant Exhibit 1: July 17, 2017 letter from Robert Isler,
99 Genesee Boulevard - "----- in support of the variances requested-----"

Applicant Exhibit 2: July 6, 2017 letter from Kenneth Cohen,
39 Genesee Boulevard - "---- in support of the variances requested-----"

Applicant Exhibit 3: July 16, 2017 letter from Ira Gober,
54 Genesee Boulevard - "---- in support of the variances requested-----"

Ann Coombs said house not exceeding requirements - terraces raised on grade with house. Commissioner Watkins asked why is house only 5' off the property line when there is a huge piece of property and Ann Coombs said the owners want a field so children can play in.

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 by Village Attorney Kovit was Donald Feinsod, 84 Fulton Avenue. He said his house is immediately behind 77 Genesee Boulevard. He said he was confused - they have not filed for a swimming pool or deck - there is a retaining wall with fence on top. Architect had a draining plan filed already but that is not part of it.

Chairman Siniscalchi asked if there was anyone else to speak against.

Sworn in by Village Attorney Kovit was Steve Schneider, 78 Fulton Avenue. He said this is the first time he has seen the plans.

Chairman Siniscalchi asked if there was anyone else to speak against.

Sworn in by Village attorney Kovit was Barry Felder, 64 Genesee Boulevard and he said his house is father south and across the street.

He said Dr. Feinsod requests an adjournment and plans be made available to neighbors within a reasonable amount of time and wants to talk to his architect and builder that built his house.

Chairman Siniscalchi asked plans submitted were sufficient and Mr. Cherson said these are preliminary plans - we are only here for zoning.

Chairman Siniscalchi asked if there was anyone else to speak.

Sworn in was Louis Marett, 69 Hamilton Avenue and he requests an adjournment - wants overview of house, size, etc.

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Architect Coombs explained the house layout - first floor: living room, dining room, large kitchen, kosher kitchen.

Attorney Kovit suggests a one month adjournment and applicant to maintain a dialog.

At 10:00 PM the Board adjourned to discuss the case.

Case # 17313 - JELAB Trust, 77 Genesee Boulevard (Continued)

At 10:05 PM the Board resumed the case

Commissioner Baessler moved the adoption of the following:

RESOLVED, to adjourn Case # 17313 and continue at the August meeting once the neighbors have properly reviewed plans and secure property for safety of neighbors.

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

Case # 17314 - Brynde & Frank Berkowitz, 30 Cayuga Avenue

Raise existing grade in the rear yard 2.3 feet and a block/retaining wall in the front yard 5.8 feet.

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 57, Lot 40 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.

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

Sworn in by Village Attorney Kovit was Ross Padluck, Architect, Ike Kligerman Barkley, 330 West 42 Street, New York, NY 10036.

He gave an overview of the proposed project. Raise grade approximately 2' on north east side- which faces Cayuga Avenue and 3' off property line to maintain planting. There will be no run off on neighboring properties - raising the grade will make comfort of home much better; 6' wall will start at +12' - 6' on outside; visually not much difference than now.

Chairman Siniscalchi asked if there was anyone to speak for.

Sworn in by Village Attorney Kovit was Brynde Berkowitz, 30 Cayuga Avenue, owner and applicant. She said because of FEMA code it is at that height - no change from neighbor's prospective. If you drive down the strip 90% of houses are like this.

Case # 17314 - Brynde & Frank Berkowitz, 30 Cayuga Avenue (Continued)

Sworn in by Village Attorney Kovit was Brynde Berkowitz, 30 Cayuga Avenue, owner and applicant. She said because of FEMA code it is at that height - no change from neighbor's prospective. If you drive down the strip 90% of houses are like this.

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

Chairman Siniscalchi asked if there was anyone to speak against.

Sworn in was Rene Fail, 60 Cayuga Avenue, Atlantic Beach, NY. Her house is four houses north of the Berkowitz house. Mr. Cherson said the application for the house was granted and the swimming pool was above grade and that is why they are here today.

Chairman Siniscalchi asked if there was anyone else to speak on this case. Sworn in by Village Attorney Kovit was Roxanne Weiner, 48 Cayuga Avenue - she is two houses away from the Berkowitz house. She said people should be allowed to have what they want when they build and unless something is really ugly but she drive by everyday and it is a true mess.

Next to be sworn in was Israel Wahrman, 43 Dutchess Boulevard and said his property is inches from the Berkowitz property and the 2nd house on Ocean Boulevard and is asking that this be denied. It will cause flooding into his house and it is premature to make a decision until plan for flooding is given.

Next to be sworn in Miryam Wahrman, 43 Dutchess Boulevard and the corner of her house touches the Berkowitz property - she opposed the variance by raising the grade - it is not necessary except for raise 2/3' one part and 3' front - she read many cases on line and had a problem with flooding.

Next to be sworn in was Saul Safdieh, 29 Dutchess Boulevard - his property backyard next to Berkowitz. His concerns by grade raise quality of life issue, noise, privacy - people looking into his property.

Architect Mr. Padluck came back to the podium to answer any concerns. He said height is 5' above sidewalk - Cayuga and Ocean and 6' rear. Height 2/3' southeast corner Cayuga and Ocean' 16' grade change in rear yard and people will not be looking into the neighbor's yard. Commissioner Baessler questioned the 6' high wall - pool fence and Mr. Cherson explained.

Mr. Kovit said if the Board granted this all required drainage has to be installed to the satisfaction of the Building Inspector.

Rene Fail came back to the podium and asked if the Board can ask the owner to remove garbage, etc. and Mr. Kovit said we will look into it.

Israel Wahrman came back to the podium and asked if there are laws that pertain to drainage and rain water and they should see all the drainage plans. Mr. Kovit said this is a zoning board and they only are here for zoning. Mr. Kovit said he can get a copy of plans under FOIL and discuss with the Building Inspector.

Saul Safdieh came back to the podium and said the grade in his back yard is 2/3' above and the wall goes up 6' - so if you are 6' tall you will tower 8'. Applicant not following the rules in the first place.

Applicant Brynde Berkowitz came back to the podium and said they can put a chain link fence - no privacy and she wants privacy and the neighbors want privacy. The neighbor put in tall trees.

Case # 17314 - Brynde & Frank Berkowitz, 30 Cayuga Avenue (Continued)

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to deny Case # 17314 as submitted.

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

Case # 17310 - 41 Ulster LLC, 41 Ulster Avenue
Maintain a one family single family dwelling on a larger lot
-granted as submitted with the condition that there will
be no curb cuts on Tioga Avenue

Case # 17311 - Evelyn and Holly Cook, 49 Daytona Street
Construct a second story addition with interior alterations
- granted as submitted

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

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 June 15, 2017 as written by the Village Clerk.

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

ADJOURNMENT

At 10:10 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