

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

AUGUST 17, 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 Steven Watkins  
Village Attorney Charles S. Kovit  
Building Inspector Steven Cherson  
Village Clerk Emily Siniscalchi  
Court Reporter Linda Caffera

Absent: Commissioner Allan Jacobs 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

Village Attorney Kovit said Case # 17373 - JELAB Trust, 77 Genesee Boulevard - is a continuation of the case presented at the July 20, 2017 meeting. He said if anyone is asking for an adjournment of this case - there was no one.

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

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

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

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.

Attorney E. Christopher Murray, RuskinMoscouFaltischek, P.C., 1425 RXR Plaza, Uniondale, NY. Mr. Murray said there is an expert to present the case.

Sworn in by Village Attorney Kovit - Jed D. Nelson, , Bert Nelson Associates, Inc., Bellmore, NY.

Mr. Jed Nelson, who the board recognized as an expert in the field of real estate appraisal. Mr. Nelson provided a narrative in support of his contention that all 3 variances should be granted. He went through the applicable statutory criteria of the NYS Village Law. After his presentation, Chairman Siniscalchi noted that requesting a 5' side yard setback variance where there was approximately 100' of yard space on the opposite side was unprecedented. Further statements were made that with regard to the side yard variance request it would be advisable for applicant to submit revised plans indicating the proposed improvements of that opposite area, including (as alluded to by applicant 's representative) a swimming pool and cabana facility. After further discussion, it was agreed that the hearing would be continued at the September meeting of the Board and that as soon as possible prior to the hearing date, amended plans would be provided to the Building Department, showing the entire proposed improvement of the approximately 100' yard area on the opposite side from the proposed 5' setback variance area.

Mr. Nelson submitted into evidence the following exhibits:

- Applicant Exhibit A: Professional Qualifications of Jed D. Nelson
- Applicant Exhibit B: Photographs of houses in area
- Applicant Exhibit C: Photographs of houses in area
- Applicant Exhibit D: August 17, 2017 letter to S. Schneider,  
78 Fulton Avenue from Jody & Elie Levine,  
77 Genesee Boulevard

The Board had various questions on the property - setbacks etc.

Attorney Kovit asked Mr. Murray what is the benefit of a 5' setback and Mr. Murray said they have five kids and want sufficient space on the south side for the kids.

Commissioner Baessler asked why hasn't a master plan been filed yet and Mr. Murray said they may want to do a swimming pool and Commissioner Baessler asked why not do this all at once.

Sworn in by Village Attorney Kovit was Ann Coombs, Architect, 127 River Road, Essex, CT 06426. Commissioner Cornish asked about the property size, house to property line is about 100'.

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

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

Village Attorney Kovit sworn in Donald Feinsod, 84 Fulton Avenue - he lives immediately behind 77 Genesee. He gave an overview when he built his house 15 years ago and cannot understand why the Levine's, 77 Genesee can't keep 15' side yard.

Michael Feinsod was sworn in by Village Attorney Kovit - he said he spends a lot of time in the village at his parent's house and they are asking for multiple variances - 12' higher than the Feinsod's house. What is on the lot creating a hardship - are they trying to building the biggest house in town.

Commissioner Cornish asked what is along the property line - on the north side is just a 5' fence.

Mr. Nelson said they will not be the largest house in the village - lot is 17,000 sq.ft and house is 3,900 s.f. Chairman Siniscalchi said it is very hard to consider giving 5' when you have more on the other side.

Michael Feinsod said he wants the Board to consider not granting anything in totality.

Exhibit D - letter from Levine, 77 Genesee - Michael Feinsod asked if there was any compensation received for writing the letter. Mr. Murray said they are getting Arborvitae trees.

Benjamin Weinstock, Attorney - RuskinMoscouFaltischek, P.C., 1425 RXR Plaza, Uniondale, NY. - he said earlier he had a number of conversations with Mrs. Feinsod and Michael Feinsod. Mr. Weinstock said he has sent letter to Mrs. Feinsod and the Mrs. Schneider about the trees.

Chairman Siniscalchi said he is not used to seeing piece meal - want to see whole picture to make a decision. Attorney Kovit said they need to see the layout of the side yard. Mr. Weinstock said they are happy to come back to present the swimming pool and cabana.

Attorney Kovit asked if there was a motion to continue the hearing net month.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to continue the hearing at the September 19, 2017 meeting of the Board of Zoning Appeals and submit revised plans two weeks before the hearing.

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

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
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 Baessler moved the adoption of the following:

Case # 17312 - Peter & Barbara Duffy, 2150 Pacific Boulevard  
Construct a wood deck on the west side of property

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

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
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 Watkins made a motion to accept the minutes of July 20, 2017 as written by the Village Clerk.

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

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

Noes: None

ADJOURNMENT

At 9:30 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 Steven Watkins

Noes: None

*Emily Siniscalchi*

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Emily Siniscalchi, Village Clerk