

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

SEPTEMBER 19, 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 Linda Caffera

Absent: None

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

CONTINUATION OF HEARING CALENDAR

This a continuation of the case presented at the July 20, 2017 and August 17, 2017 meetings.

Case # 17313 - JELAB Trust, 77 Genesee Boulevard
(Jody Alpert Levine & Elie Levine Trustees)

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%

Hearing continued - Dr. Feinsod made an application for an adjournment of the hearing so that his consultants would have more time to look at the proposed plans. Mr. Murray opposed the adjournment, saying that the new submission depicted a proposed pool complex to the rear of the proposed dwelling, and showed the proposed garage moved slightly away from Dr. Feinsod's property. The plans have been available for inspection. The Board denied the adjournments. Further discussion was had with respect to the proposed 5' side yard setback. Mr. Isler, 99 Genesee Boulevard, stated he did not have an objection to the variances. His house is opposite the lot line with the proposed 5' setback. Dr. Feinsod and Mrs. Feinsod pointed out that the proposal would negatively impact their privacy and access to sunlight. The Board voted to close the public hearing and close the decision.

Chairman Siniscalchi asked if there was anyone to speak for or against this case.

The following people spoke either for or against the variance:

E. Christopher Murray, Attorney for applicant

Sworn in: Annie Combs, Architect for applicant

For: Robert Isler

Against: Donald Feinsod, June Feinsod

Dr. Feinsod submitted into evidence the following exhibit:

- Opposition Exhibit 1: letter dated August 17, 2017 from Jody Levine, 77 Genesee Boulevard addressed to June and Donald Feinsod, 84 Fulton Avenue, Atlantic Beach, NY- confirming agreement reached concerning the zoning variance application and development of 77 Genesee Boulevard. She indicated in the letter that the Feinsods have agreed they will withdraw all objections to her application and if the variances are granted they will plant, at the Levine's expense, a row of landscape screening consisting of 10 Arborvitae along the entire rear property line of the Feinsods property.

Commissioner Baessler moved the adoption of the following:

RESOLVED, to reserve decision until the October 19, 2017 meeting of the Board of Zoning Appeals.

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

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

Noes: None

Attorney Kovit said there will be no further comments at the October meeting.

HEARING CALENDAR

Chairman Siniscalchi asked Building Inspector Cherson to state the relief the applicants are seeking for the following cases.

Case # 17316 Konstantine & Elizabeth Rallis, 96 Coronado Street
Construct a second story addition with interior alterations

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 19, Lot 227 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, on one 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 3.7 feet

Proposed side yard aggregate 12.7 feet

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

Sworn in was Konstantine Rallis, 96 Coronado Street - owner and applicant. His Architect was not able to be present at this meeting and read his presentation. Relief is minor and addition is in line with first floor; similar addition approved in 2013 - only difference rear sloped roof. Commissioner Baessler asked if the 2nd floor will cover the existing footprint- first floor and the answer was yes.

Chairman Siniscalchi asked if there was anyone to speak for -
Sworn in was David Woolfe, 100 Coronado Street - lives next door and is in favor.

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 # 17316 as submitted to construct a second story addition with interior alterations.

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

Marc & Esther Sholes, 58 Tioga Avenue

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 40, Lots 49-52 (47 & 48) on the Nassau County Land and Tax Map.

Case # 17317 - Construct a two story single family dwelling

Article V "C" Residence District

§250-36. Lot coverage - The lot coverage shall not exceed 30% of the lot area

Proposed lot coverage 36.91%

Marc & Esther Sholes, 58 Tioga Avenue (Continued)

Case # 17317 (Continued)

§250-35. Height

B. Roof slopes less than four feet vertically for every 12 feet horizontally shall have a maximum height of 24 feet to peak, including any parapet walls.

Proposed roof height 24' - 2 1/2"

§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.

Permitted rear yard 21.3 feet

Proposed rear yard setback 17.3 feet

§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.

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.

Case # 17318 - Construct a 18'x43'-5 1/2" in ground swimming pool in the side yard

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

(2) There shall be erected and maintained a swimming pool fence enclosing the portion of the area upon which such pool shall be installed. Such fence shall be either a chain-link, plastic, quality timber fence or masonry wall in accordance with the following specifications:

Proposed pool is located in the side yard setback

Attorney Kovit said Case # 17317 and 17318 are consolidated for purposes of this hearing.

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

Sworn in was Robert Luntz, Architect, 150 West 8th Street, New York, NY.

He said there will be a modular home being built and the ceiling height is due to FEMA regulations. He said flat roofs have been approved in the village and they also want to build a roof deck. They are replacing the existing house and the swimming pool will not fit nicely in the backyard.

Chairman Siniscalchi asked if there was anyone to speak for.

Sworn in was Peter Blum and said he lives on Coronado Street, 23 blocks away but has known applicant for several years and good quality.

Chairman Siniscalchi asked if there was anyone else to speak.

Sworn in was Esther Sholes, owner and applicant. She submitted into evidence the following:

Case # 17317 & 17318:

Applicant Exhibit A: Letter dated September 18, 2017 to the Zoning Board of Appeals from William Jelley, 66 Tioga Avenue and Daniel & Bari Erber 61 Ulster Avenue stating they are both in support of approval.

Marc & Esther Sholes, 58 Tioga Avenue (Continued)
Case # 17317 & 17318

Attorney Kovit asked Esther Sholes how she received this letter and said it was e-mailed to her.

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

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

Commissioner Jacobs moved the adoption of the following:

RESOLVED, to grant as submitted -
Case # 17317 - Construct a two story single family dwelling
Case # 17318 - Construct a 18'x43'-5 1/2" in ground swimming
pool in the side yard setback

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 # 17319 Sherry Steinberg, 30 Vernon Avenue
Installation of a 20KW generator in the front yard setback

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 38, Lots 28-31 on the Nassau County Land and Tax Map.

Article V "C" Residence District
§250-40 - Permitted encroachments

A. (8) Generators (permanent or portable) shall be permitted in one of the required side yards or rear yard, provided that said side yard shall not be diminished thereby to a width of less than five feet and the rear yard shall not be diminished thereby to a distance less than five feet from the rear property line in Residence C Districts.

Proposed location front yard on Ocean Boulevard

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

Sworn in was Joseph Gallinaro, Architect, 168 West Park Avenue, Long Beach, NY.

He gave an overview of the variance they are requesting. He said it is impossible to locate generator any other way and Ocean Boulevard side made more sense - area landscaped and fence on the north and south sides. Commissioner Jacobs asked how high will the generator be off the ground and the answer was 24" high.

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 - there was no one.

Case # 17319 Sherry Steinberg, 30 Vernon Avenue (Continued)

Commissioner Jacobs moved the adoption of the following:

RESOLVED, to grant Case # 17319 as submitted to install a 20KW generator in front yard setback.

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 FINDINGS OF FACTS - None

APPROVAL OF MINUTES - August 17, 2017 tabled until the October 19, 2017 meeting

ADJOURNMENT

At 9:15 PM Commissioner Baessler made a motion to adjourn.

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

Emily Siniscalchi

Emily Siniscalchi, Village Clerk