

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

NOVEMBER 15, 2018

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
Commissioner Steven Samuels

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

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.

Mr. Cherson said this case is a continuation from prior public hearing.

Case # 18346 Michael Kadoe, 85 Erie Avenue
Construct a 8' 11 7/8" x 22' 8 1/2" rooftop bulkhead

Revised to: 4'-6 1/2" x 19' 5 1/2" rooftop deck
Also known as Section 58, Block 56, Lot 126

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

Article V, Residence C District
§250-35. Height
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 31.6 feet

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

Sworn in was Eric Kupferberg, Architect, 125 Taft Avenue, Long Beach, NY.
He presented the case.

Submitted into evidence were the following exhibits:
- Applicant Exhibit 1: Series of pictures and drawings
- Applicant Exhibit 2: Photographs of rooftop bulkhead

Case # 18346 Michael Kadoe, 85 Erie Avenue
Construct a 8' 11 7/8" x 22' 8 1/2" rooftop bulkhead
Revised to: 4'-6 1/2" x 19' 5 1/2" rooftop deck

Mr. Kupferberg went through each of the exhibits and explained to the Board.

The Commissioners had questions and the plans should be more specific.

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 Michael Diamond, 89 Erie Avenue, Atlantic Beach, NY
He presented his case and submitted into evidence the following exhibit:
- Opposition Exhibit 1: Letter from Kathy & Jeff Glasser, 88 Erie Avenue
they agree and support that this structure not be built

Mr. Diamond said the structure looks directly into daughters room; this is a permanent structure - has roof shingles and windows.

Next to be sworn in was Melinda Diamond, 89 Erie Avenue, Atlantic Beach, NY and presented her case - they had a stop work order first then put up this - this is an evasion of privacy.

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

Attorney Kovit the Architect if he would like to speak - and he said they will take down whatever the Board wants.

Next to be sworn in was Michel Kadoe owner and applicant. He said he asked for a regular door to look at the Ocean - he is more than 30' away from the Diamonds. Commissioner Samuels said most people get approved first then build and Mr. Kadoe said the structure is not meant to stay there.

Chairman Siniscalchi asked if there was anyone else to speak.

Commissioner Baessler moved the adoption of the following:

RESOLVED, to reserve decision on Case # 18346.

The foregoing was seconded by Chairman Siniscalchi and passed by the following vote:

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

Noes: None

Village Attorney Kovit said the Board has 60 days to make a decision - either next month or the month after.

Construct a 14' x 28' vinyl in-ground swimming pool in the side yard and a fence enclosure higher than permitted

Also known as Section 58, Blocks 44, Lots 10-13

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

Article V "C" Residence District

§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 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 fence height on side and front property lines 6 feet in height

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 to be located in the side yard

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

Sworn in was Andrew S. Braum, 1924 Bellmore Avenue, Bellmore, NY - he is the Engineer on this project and is representing the owner of this property - Mr. & Mrs. Kestenbaum - they have 4 children and looking into having a swimming pool for them. He said there will be good foliage from the neighbors and the pool will be built within NYS Code and is asking it be approved as presented. The Board had various questions and concerns for Mr. Baram. Mr. Baram said he cannot make any decisions for his client and requests it be adjourned so he can speak with his client.

Commissioner Samuels moved the adoption of the following:

RESOLVED, to grant an adjournment of Case # 18349 to the December 20, 2018 meeting so the Engineer has time to discuss with the Building Inspector and his client.

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
Commissioner Steven Samuels

Noes: None

Case # 18350 Jeffrey & Audrey Mordos, 82 Hamilton Avenue
Construct a 20' x 40' in-ground swimming pool within the side yard

Also known as Section 58, Block 52, Lots 61-65

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Case # 18350 Jeffrey & Audrey Mordos, 82 Hamilton Avenue
Construct a 20' x 40' in-ground swimming pool within the side yard
(Continued)

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

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

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

Sworn in was Stephen Giunta, Architect, 9116 Shore Front Parkway, Rockaway Beach, NY.

Mr. Giunta presented the case - the swimming pool will be surrounded by evergreen trees on the south and west sides; swimming pool equipment will be located in the northwest corner, 5 feet from each of the property lines; there will be a pool terrace adjacent to the pool; the size of the pool is most useful. The Board had various questions for Mr. Giunta.

Mr. Giunta submitted into the evidence the following:

Applicant Exhibit 1: Aerial View

Chairman Siniscalchi asked if there was anyone to speak for:

Sworn in was Audrey Mordos, 82 Hamilton Avenue, Atlantic Beach, NY - owner and applicant. She said she knows there are pools this size on her block and 20'x40' was the smallest size because they want to have an automatic cover; there is not enough walking space if it is put in the backyard; beyond the trees there will be a fence.

Chairman Siniscalchi asked if there was anyone to speak against.

Sworn in was Stephen D. Oestreich, 72 Hamilton Avenue, Atlantic Beach, NY. He said the detriment to him would be privacy, noise.

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

Mr. Giunta came back to the podium and submitted into evidence the following:

Applicant Exhibit 2: photograph of 72 Hamilton Avenue

Chairman Siniscalchi asked if there was anyone else to speak.

Mr. Oestreich came back to the podium to clarify the windows.

Commissioner Watkins moved the adoption of the following:

RESOLVED, to grant Case # 18350 as submitted to build a 20' x 40' in-ground swimming pool within the side yard.

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

Abstain: Commissioner Steven Samuels

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Case # 18351 Edward S. Karan & Dana Federbush, 1697 Bay Boulevard
Maintain an existing 4'x8' Portico and construct a 4'x8' overhang

Also known as Section 58, Block 64, Lot 129

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

§250-36 Lot coverage - The lot coverage shall not exceed 30% of the lot area
Existing lot coverage 38.56% Proposed lot coverage 39.32%

§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 20.53 feet
Proposed front yard setback for portico 17.36 feet
Proposed front yard setback for overhang 13.36 feet

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

Sworn in was John Capobianco, Architect, 159 Doughty Boulevard, Inwood, NY.

Mr. Capobianco said he is here on behalf of the applicants - he gave an overview and said the overhang they are requesting will give them protection from the rain and it will not be enclosed.

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

Commissioner Cornish moved the adoption of the following:
RESOLVED, to grant Case # 18351 as submitted to maintain
the existing 4'x8' portico and construct a 4' x 8' overhang.

The foregoing was seconded by Commissioner Samuels and moved by the following vote:

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

Noes: None

Case # 18352 Atlantic Beach Holdings, 75 Putnam Boulevard
Construct a basketball court in the front yard setback

Also known as Section 58, Block 45, Lots 15-18, 71, 68

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

Case # 18352 Atlantic Beach Holdings, 75 Putnam Boulevard
Construct a basketball court in the front yard setback (Continued)

(B) No tennis court may be constructed or maintained in the front yard, nor within 30 feet of a rear property line or within 30 feet of a side yard.

Proposed front yard setback, 10 feet side yard and 15 rear yard

(C) All tennis and sports courts shall be enclosed with permanent fencing, of a type and design approved by the Building Inspector, sufficient to prevent ball or other implements or equipment used at such location from leaving the premises or immediate area of the court.

Existing 5 foot masonry wall will not be sufficient to prevent ball or other implements or equipment used at such location from leaving the premises or immediate area of the court.

§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 2.5 feet

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

Sworn in was John Capobianco, Architect, 159 Doughty Boulevard, Inwood, NY and presented the case.

He said his client bought a house next to his and knocked it down - they will maintain a heavy buffer of trees. The Board had questions for Mr. Capobianco and answered any questions and concerns.

Chairman Siniscalchi asked if there was anyone to speak for - there was no one
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 # 18352 variance with adjustment as follows:
-20' side yard setback -lower to average grade

The foregoing was seconded by Commissioner Samuels and moved by the following vote:

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

Noes: None

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Case # 18353 Mark & Kathleen Nord, 2094 Pacific Boulevard
Construct a three story single family dwelling

Also known as Section 58, Block 19, Lot 225

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

Article IV "A" Residence District

§250-20 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 26 feet to peak

Proposed height 32 feet top of bulkhead

B. Roof slopes less than four feet vertically for every 12 feet horizontally shall have a maximum height of 22 feet to peak, including parapet walls.

Proposed height of north roof deck 27 feet and proposed south roof deck 29 feet

§250-21 Lot coverage

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

Proposed lot coverage 47.39%

§250-22 Front yards

B. In case of a corner lot, a front yard shall be required on each street, and, notwithstanding the foregoing, each front yard shall be not less than 25 feet, provided that, if at the effective date of this chapter any corner lot is held in single and separate ownership having a width of less than 55 feet, the depth of the front yard on one side of the lot may be decreased when authorized as a special exception by the Board of Zoning Appeals.

Proposed front yard setback Coronado Street 10.3 feet first floor and 7.3 feet second floor deck.

Proposed front yard setback Pacific Boulevard 13.5 feet

§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 2 feet for cheek wall

§250-24 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 12 feet

Proposed rear yard for A/C deck 8 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

Village Attorney Kovit read two letters in opposition and submitted into evidence:

- Opposition Exhibit 1: November 14, 2018 letter from Michael Gerling and Konstantina Petridis-Gerling, 65 Coronado Street

- Opposition Exhibit 2: November 8, 2018 letter from Moshe Ben-Benjamin and Shari Ingerman, 2090 Pacific Boulevard

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Case # 18353

Mark & Kathleen Nord, 2094 Pacific Boulevard

Construct a three story single family dwelling (Continued)

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

Sworn in was Joseph Gallinaro, Architect, 185 Lagoon Drive E, Lido Beach, NY

He said this is being built FEMA compliance - 3 story home, 3 bedrooms, 3 bathrooms; 3 months ago his client received funding for the fire that burned down the house on this property.

They are seeking now what was granted in 2014 except for height.

Mr. Cherson said on November 20, 2014 Case # 14263 there was a variance granted to build this house but it was never built.

Commissioner Baessler asked where will the spiral stair case to the roof deck be located and the answer it will be on the Coronado Street side - they want to bring the yard to the roof. Commissioner Watkins asked the stairs to the third floor is it a sitting room and 4' walk way to spiral staircase.

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 John Faulhaber, 2080 Pacific Boulevard, Atlantic Beach, NY and he said he lives 3 houses away.

He submitted into evidence the following exhibit:

- Opposition Exhibit 3: petition opposing all the requests for variance signed by residents on Coronado Street, Bermuda Street and Pacific Boulevard

Chairman Siniscalchi asked if there was anyone to speak in opposition.

Sworn in was Paul Mascioli, 2100 Pacific Boulevard he had questions on height, roof, deck, etc. bulkhead would be 16% of her rooftop deck. Mr. Cherson answered any questions and concerns.

Chairman Siniscalchi asked if there was anyone else to speak in opposition.

Sworn in was Moshe Ben-Benjamin, 2090 Pacific Boulevard - he said his property touches the Nord property - he does not see any need for the variance - will block his house and he will see a straight wall. He and his neighbors want a new design to fit the neighborhood.

Next to be sworn in was Jerry Ellenbogen, 63 Coronado Street and said when he built his house the height opportunity was denied.

Chairman Siniscalchi asked if there was anyone else to speak.

Mr. Gallinaro came back to the podium and said he understands their concerns and would consider getting rid of the cheek wall and the house is lower than other houses granted.

Mr. Ben-Benjamin came back to the podium and said the deck looks over his bedroom and yard.

The Architect said they would like to request an adjournment so he can adjust the plans and resubmit based on the comments heard.

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Case # 18353 Mark & Kathleen Nord, 2094 Pacific Boulevard
Construct a three story single family dwelling (Continued)

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to grant the adjournment for Case # 18353 to the December 20, 2018 meeting so the applicant can address the height concerns.

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

Ayes: Chairman Anthony Siniscalchi

Commissioner Carl Baessler
Commissioner George Cornish
Commissioner Steven Watkins
Commissioner Steven Samuels

Noes: None

Building Inspector Cherson said he will need the new plans two weeks before the December 20th meeting.

APPROVAL OF FINDINGS OF FACT - 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 October 15, 2018 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 Steven Watkins
Commissioner Steven Samuels

Noes: None

ADJOURNMENT

At 11:35 PM Chairman Siniscalchi made a motion to adjourn.

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Cal Baessler
Commissioner George Cornish
Commissioner Steven Watkins
Commissioner Steven Samuels

Noes: None

Emily Siniscalchi, Village Clerk