

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

FEBRUARY 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 Allan Jacobs  
Commissioner Steven Watkins  
Alternate 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.

Case #18327 - Christopher and Anna Kyriakides  
2115 Pacific Boulevard, Atlantic Beach, NY 11509

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Construct a three story single family dwelling  
Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 147-1, Lots 16-18 on the Nassau County Land and Tax Map.

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 33.3 feet top of bulkhead

Proposed height main roof 30.11 3/8 feet

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 28 feet

§250-21 - Lot coverage

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

Proposed lot coverage 40.8%

Case #18327 - Christopher and Anna Kyriakides  
2115 Pacific Boulevard, Atlantic Beach, NY 11509 (Continued)

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§250-22 - Front yards

B. In the 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 Daytona Street 15 feet

Proposed front yard setback Pacific Boulevard 10 feet

§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 14 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.

Proposed area of flat roof 545.18 square feet

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

Sworn in was Henry M. Monteverde, 230 Kingston Boulevard, Island Park, NY 11558  
Architect of record and here on behalf of Christopher & Anna Kyriakides.

Mr. Monteverde presented the case to the Board - he said they are seeking 40.8% lot coverage and the property is in an AE14 flood zone and in October 2017 State requirement LiMWA- Limit of Moderate Wave Action.

They would like a first level entry for storage and garage and house built on piers. There will be pitched roof except for the center which is a roof deck. Board members had many questions - Commissioner Watkins asked if there was any requirement that a % of the house leave open and Mr. Cherson said except for 400 S.F. it has to be breakaway walls - AE14 flood zone. Mr. Monteverde said the lowest they can bring it down is 18' because of the LiMWA.

Mr. Monteverde submitted into evidence:

Applicant Exhibit 1: -Aerial view of site

At 8:40 PM Mr. Monteverde met with the owners and at 8:45 PM went back on record.

Attorney Kovit said we are recalling Case # 18327 and #18328 and Mr. Monteverde said they will drop level from 10' to 9' and drop steel from 8' to 7' and will now be at elevation 9 - gaining 2'. Commissioner Baessler said the main floor 9' ceiling and Mr. Monteverde said they can bring it down, the garage is FEMA compliant.

Case #18328 - Steven Shankman  
2121 Pacific Boulevard, Atlantic Beach, NY 11509

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Construct a three story single family dwelling

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 147-1, Lots 13-15 on the Nassau County Land and Tax Map.

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 33.3 7/8 feet top of bulkhead

Proposed height main roof 30.10 1/2 feet

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 28 feet

§250-21 - Lot coverage

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

Proposed lot coverage 40.8%

§250-22 - 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 of, if there are less than two existing buildings on the same side of the street, the average front yard depth of existing buildings within 20 feet on each side directly opposite the lot in the same use district.

Permitted front yard setback 10.53 feet

Proposed front yard setback 10 feet

§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 14 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.

Proposed area of flat roof 423.70 square feet

Commissioner Baessler moved the adoption of the following:

RESOLVED, to continue the hearing next month and subject to going to another month if needed for:

Case # 18327 - Christopher and Anna Kyriakides  
2115 Pacific Boulevard, Atlantic Beach, NY 11509  
and

Case #18328 - Steven Shankman  
2121 Pacific Boulevard, Atlantic Beach, NY 11509

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

Case #18328 - Steven Shankman  
2121 Pacific Boulevard, Atlantic Beach, NY 11509 (Continued)

Ayes:

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

Noes: None

Case #18329 - Nadir Uygan  
1895 Bay Boulevard, Atlantic Beach, NY 11509

Construct a third story to an existing two story single family dwelling

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 69, Lots 1-3 on the Nassau County Land and Tax Map.

§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 three story structure

Proposed roof height 31. 10 1/2 feet

§250-37 - 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.

Proposed front yard setback 16 feet on Bay Boulevard

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

Mr. Peter Rubin, Esq., Rubin, Cooper & Associates, 330 Sunrise Highway, Rockville Centre, NY presented the case. He said they are proposing a 3 story dwelling - if standing on Genesee Boulevard it appears to currently be a 1 story building but from the Bay Boulevard side looks like a 2 story building; no change in footprint of house only upward. They have 4 children and each want their own bedroom and bathroom.

Attorney Rubin said the basement on the first floor will get a lot of water in another storm. He said the Board can make a condition that the ground floor be for garage and storage area only. Commissioner Baessler asked if the applicant would agree to periodic inspection.

Commissioner Baessler said the village has a limit of 2 1/2 stories and garage and the plans show an existing sliding door.

Next to be sworn in was Thomas Domanico, Architect , 108 Merrick Road, Lynbrook, NY. He said base floor elevation below per FEMA regulations. Commissioner Cornish said he also sees on 3rd floor a gym, recreation room, etc.

Attorney Rubin said he did not do the plans.

Mr. Cherson said if construction exceed 50% it has to comply with FEMA regulations.

Mr. Domanico asked if they can raise the grade.

Mr. Cherson said grade change would have to go back to the zoning board.

Attorney Rubin asked if the case can be put on hold for 10 minutes while they meet in the conference room.

At 8:45 PM went back on record.

Case #18329 - Nadir Uygan  
1895 Bay Boulevard, Atlantic Beach, NY 11509 (Continued)

Attorney Rubin said they will remove all walls in the basement area and only have open space and will consent to Building Department to inspect the area. Attorney Rubin said across the street the Board granted similar variance.

Submitted into evidence the following:

Applicant Exhibit A: Architectural Drawing of Ganson house

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 Friedman, 122 Genesee Boulevard, his house is adjacent to this one - he has no objection to Bay Boulevard setback but has objection to the height because he will not have any view of the bay.

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

Sworn in was John Donnelly, 64 Hamilton Avenue - he is against 3 story buildings in Atlantic Beach.

Attorney Rubin came back to the podium and said he would like to adjourn the case to the March meeting so he can meet with the building department.

Commissioner Baessler moved the adoption of the following:

RESOLVED, to continue Case # 18329 at the March 15, 2018 meeting.

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

Case #18330 - Peter & Barbara Duffy  
2150 Pacific Boulevard, Atlantic Beach, NY 11509

Construct a Fence

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  
§250-26 - 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

Case #18330 - Peter & Barbara Duffy  
2150 Pacific Boulevard, Atlantic Beach, NY 11509 (Continued)

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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.

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

Sworn in was Ralph Marazzo, Rockville Centre, NY 11570 - he was here on behalf of Mr. & Mrs. Duffy.

He said the deck and 5' high masonry wall was granted in July 2017 (he said Oct) Due to grade change there is a issue with the fence running along the Silver Point Beach Club - need a higher fence than what the code is. The beach club is not in

the village and does not follow village rules. The Duffy's deck is adjacent to the Silver Point parking lot and the house near the cabanas and people are permitted to stay until mid night at the beach club. They are asking for an 8' high fence on the Pacific side.

Chairman Siniscalchi asked if there was anyone to speak for.

Sworn in was Peter Duffy, 2150 Pacific Boulevard owner and applicant. He said the beach club fence is an eyesore, shrubbery overgrown .

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

Commissioner Baessler said he is familiar with the property and knows what they have to look at.

Commissioner Baessler moved the adoption of the following:

RESOLVED, to grant Case #18330 as submitted - construct fence 8' with masonry wall at Pacific Boulevard and 6' high to front of house.

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 - None

APPROVAL OF MINUTES

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

APPROVAL OF MINUTES (Continued)

Commissioner Baessler made a motion to accept the minutes of January 18, 2018 as written by the Village Clerk.

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

ADJOURNMENT

At 9:15 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

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Emily Siniscalchi, Village Clerk