

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

JULY 23, 2018

CALL TO ORDER

At 8:05 PM Chairman Anthony Siniscalchi called the meeting to order.

ROLL CALL

Present were:

Chairman Anthony Siniscalchi
Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steve Watkins
Alternate Commissioner Steven Samuels

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

Absent: Commissioner Carl Baessler

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.

JELAB Trust, 77 Genesee Boulevard

Also known as Section 58, Block 54, Lots 10-19 on the Nassau County Land and Tax Map.

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

Case # 18338 Construct a 18' x 44' in-ground swimming pool with diving board and waterslide partially in the side yard

§ 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. The applicant proposes to construct a 18' X 44' in-ground swimming pool with diving board and waterslide partially in the side yard.

Case # 18339 Construct two 27.7' x 7' pergolas

§ 250-31.2 Accessory structures,

JELAB Trust, 77 Genesee Boulevard (Continued)

Accessory structures, exclusive of a private garage, shall not include the erection or maintenance hereafter of any structure other than one erected on the ground and not exceeding 80 square feet of ground area and eight feet in height maximum and two feet from the side and rear property line and located in the rear yard, unless authorized as a special exception by the Board of Zoning Appeals. Proposed 193.9 square feet for each pergola. 250-129. Maximum building area and minimum side yards for certain oversized lots. Permitted lot coverage 23.72%, previously approved 33.55%, proposed 33.57%. The applicant proposes to construct two(2) 27.7' X 7' pergolas.

Case # 18340 Construct a single story pool cabana
§ 250-84. Conditions for installation and maintenance. A(6) Cabanas.(a) A cabana shall be permitted as an accessory to such swimming pool, provided that: [1] Such cabana does not exceed eight feet in height and 400 cubic feet in total size.[2] Such cabana is located at least 10 feet away from all adjoining property lines, and its entrance is located within the required fencing surrounding the swimming pool. Proposed cabana height 12 feet and 3473.16 cubic feet, proposed rear yard setback 5 feet. 250-129. Maximum building area and minimum side yards for certain oversized lots. Permitted lot coverage 23.72%, previously approved 33.55%, proposed 35.26%. The applicant proposes to construct a single story pool cabana.

Case # 18341 Fence height on side and rear property lines 8' in height
§ 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. The applicant proposes a fence height on the side and rear property lines 8 feet in height.

Attorney Kovit said the public hearing is over on this case and is on the decision calendar only.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to grant Case 18338, 18339, 18340, as submitted.
(Case # 18341 was withdrawn by applicant)

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

Ayes: Chairman Anthony Siniscalchi
Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steven Samuels

Against: Commissioner Steven Watkins

Case # 18343 Edward S. Karan and Dana Federbush, 1697 Bay Boulevard
Convert existing one car garage to storage and a cabana

Also known as Section 58, Block 64, Lot 129 on the Nassau County Land and Tax Map.

Case # 18343 Edward S. Karan and Dana Federbush, 1697 Bay Boulevard
Convert existing one car garage to storage and a cabana (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 (6) Cabanas

(a) A cabana shall be permitted as an accessory to such swimming pool, provided that:

- (1) Such cabana does not exceed eight feet in height and 400 cubic feet in total size
- (2) Such cabana is located at least 10 feet away from all adjoining property lines, and its entrance is located within the required fencing surrounding the swimming pool.

Existing garage height 12 feet and 1120 cubic feet

Existing rear yard setback 3.5 feet

Existing side yard setback 0 feet (party wall to neighbors garage)

At the June 21, 2018 meeting of the Board of Zoning Appeals and at the request of the Architect John Capobianco this case was adjourned to the July meeting so he can consult with his client.

Sworn in was John Capobianco, Architect, 159 Doughty Boulevard, Inwood, NY
Mr. Capobianco resubmitted new application - swimming pool and stated does not need variance.

He presented the case and answered any questions the Board had.

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 Cornish moved the adoption of the following

RESOLVED, to grant Case # 18343 - Edward S. Karan and Dana Federbush, 1697 Bay Boulevard as submitted to convert existing one car garage to storage and a cabana.

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

Ayes: Chairman Anthony Siniscalchi
Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steven Samuels

Exempt: Commissioner Steven Watkins

Case # 18344 Patricia Berkule, 62 Ithaca Avenue
Construct a one story rear addition and rear deck

Also known as Section 58, Block 51, Lots 53-56 on the Nassau County Land and Tax Map.

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach.

Case # 18344 Patricia Berkule, 62 Ithaca Avenue (Continued)
Construct a one story rear addition and rear deck

Article V - C Residence

§250-36 Lot coverage. The lot coverage shall not exceed 30% of the lot area.
Existing lot coverage 24.9% Proposed lot coverage 31.8

§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.

Proposed rear yard setback for one story rear addition 12.9 feet

Proposed rear yard setback for rear deck 17.3 feet

Attorney Allan Stein presented the case and said he represents Patricia Berkule. Mr. Stein gave an overview of the two requested variances and answered any questions.

Sworn in was Steven Guinta, Architect presented the case.

Sworn in Barry C. Nelson, York State General Certified Real
Estate Appraiser

He said he researched the Town of Hempstead prior to our zoning board and submitted Applicant Exhibits 4, 5, 6, 7, 8 and explained each one to the Board.

Submitted into evidence the following:

- Applicant Exhibit 1: photographs of various views of 62 Ithaca Avenue
- Applicant Exhibit 2: Google Earth photo - 62 Ithaca Avenue
- Applicant Exhibit 3: Aerial view of properties in the village
- Applicant Exhibit 4: 70 Ithaca Avenue
- Applicant Exhibit 5: 71 Jefferson Boulevard
- Applicant Exhibit 6: 85 Jefferson Boulevard
- Applicant Exhibit 7: 81 Jefferson Boulevard
- Applicant Exhibit 8: 57 Jefferson Boulevard

Chairman Siniscalchi asked if there was any one to speak for

Mr. Stein said Mrs. Levien, 65 Ithaca Avenue is in support of this variance and other people have signed in favor.

Chairman Siniscalchi asked if there was anyone to speak against.

Sworn in was Francine Rosenberg, 57 Jefferson Boulevard and presented her objections. Commissioners Cornish had questions for her.

Next to be sworn in Dolores Friedel, 70 Ithaca Avenue and said she never received notice of this meeting and was told by her neighbors - Mr. Cherson said he will look in the file.

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

Commissioner Samuels moved the adoption of the following:

RESOLVED, to grant Case # 18344 to construct a one story rear addition and rear deck as submitted - lot coverage and rear yard setback and subject to landscaping be maintained on eastern rear lot lines as follows:

Case # 18344 Patricia Berkule, 62 Ithaca Avenue (Continued)
Construct a one story rear addition and rear deck

Lot Coverage

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

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

Noes: None

Rear Yard Setback

Ayes: Chairman Anthony Siniscalchi
Commissioner Allan Jacobs
Commissioner Steven Samuels
Commissioner Steven Watkins

Noes: Commissioner George Cornish

Case # 18345 Camille Hull, 2104 Bay Boulevard
Construct a rear deck

Also known as Section 58, Block 5, Lots 26, 27 on the Nassau County Land and Tax Map.

§250-21 - Lot Coverage

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

Existing lot coverage 47.67%

Proposed lot coverage 47.69%

§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 11.6 feet

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

Sworn in was Thomas D. Blore, Architect, 60 Carleton Avenue, Islip Terrace, NY - here on behalf of the applicant.

He gave an overview of the proposed construction.

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 Shelly Martin, 2100 Bay Boulevard, Atlantic Beach, NY - next door neighbor. She said it is already building - block her solar and there is a 15% decrease in energy, no privacy in her backyard, light on side of house very bright, possible encroachment and she is having a survey done, made her house a mess.

Case # 18345 Camille Hull, 2104 Bay Boulevard (Continued)
Construct a rear deck

Next to be sworn in Keith Goldshmidt, son-in-law of Shelly Martin. He said they took down trees, side lot has less space, hole on her their side, cut down privacy.

Shelly Martin came back said they are also seeking front deck variance and would be happy if she kept as patio not a rear deck. Commissioner Cornish asked if deck is all in the rear yard and Mr. Cherson said yes and the only part encroaching is the stairway - house in same footprint.

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

Commission Cornish moved the adoption of the following:

RESOLVED, to grant Case # 18345 to construct a rear deck as submitted.

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steven Samuels
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.

Commissioner Samuels made a motion to accept the minutes of June 21, 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 George Cornish
Commissioner Steven Samuels
Commissioner Steven Watkins

Abstain: Commissioner Allan Jacobs

ADJOURNMENT

At 9:45 PM Chairman Siniscalchi made a motion to adjourn.

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

ADJOURNMENT (Continued)

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

Noes: None

Emily Siniscalchi, Village Clerk