

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

NOVEMBER 16, 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 Allan Jacobs
Commissioner Steven Watkins

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

Absent: Commissioner George Cornish 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

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

Case #17320 - 62 Kings Avenue Split Purchase Trust, 62 Kings Avenue
Convert an existing garage into storage and cabana

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 49, Lots 53-56 on the Nassau County Land and Tax Map.

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.

Proposed cabana height 13'-5 3/8" and 3754.72 cubic feet

Proposed cabana 2'-8" and 2'-5" from rear and side property line

Case #17320 - 62 Kings Avenue Split Purchase Trust, 62 Kings Avenue
Convert an existing garage into storage and cabana (Continued)

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

Sworn in by Village Attorney Kovit was Henry M. Monteverde, Architect, 230 Kingston Boulevard, Island Park, NY 11558.

Mr. Monteverde said he was here on behalf of Mr. & Mrs. Fink - owners of the property. They purchased 52 Kings Avenue and 56 Kings Avenue and want to convert the existing garage into a cabana and storage. Commissioner Baessler asked if the garage footprint will change and the answer was no.

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 Jacobs moved the adoption of the following:

RESOLVED, to grant Case # 17321 to convert an existing garage into storage and cabana as submitted.

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

Ayes:

- Chairman Anthony Siniscalchi
- Commissioner Carl Baessler
- Commissioner Allan Jacobs
- Commissioner Steven Watkins

Noes: None

Case #17321 - Joseph Montilli, 102 Cayuga Avenue, Atlantic Beach, NY
Construct a new 19' x 6' second story deck with interior alterations and 8' high 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 73, Lots 31-33 on the Nassau County Land and Tax Map.

Article V "C" Residence District

§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.

Proposed rear yard setback 19.08 feet

§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 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

Case #17321 - Joseph Montilli, 102 Cayuga Avenue, Atlantic Beach, NY
Construct a new 19' x 6' second story deck with interior alterations
and 8' high fence (Continued)

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 north property line 8 feet

Chairman Siniscalchi asked if there was anyone to speak on this case. Sworn in by Village Attorney Kovit was Joseph Montilli, 102 Cayuga Avenue, Atlantic Beach, NY owner and applicant.

Mr. Montilli gave an overview of the proposed construction - he said he is on a corner lot Park Street and Cayuga Avenue and has two side yards. He is asking for the 8' high fence in the rear yard for privacy - before Superstorm Sandy his neighbor had high Arborvitae trees and they were never replaced. He said he also spoke to his neighbors about the fence. Commissioner Baessler asked the location of the deck - is it on the north side toward backyard in swimming pool /recreation area.

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

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to grant Case # 17321, Joseph Montilli, 102 Cayuga Avenue, as follows:

- Fence: from the northeast corner of the property 35' south 8' high fence and then drop to permitted fence height
- Deck: 19'x6' second story deck with interior alterations - granted as submitted

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Allan Jacobs
Commissioner Steven Watkins

Against: Commissioner Carl Baessler

Case #17322 - Holly Cook, 49 Daytona Street, Atlantic Beach, NY
Construct a raised deck connecting the front and side decks, and a 3' addition to the rear of the existing 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 7, Lots 53 on the Nassau County Land and Tax Map.

Article IV "A" Residence District

§250.21 Lot coverage. The lot coverage shall not exceed 30% of the lot area
Existing lot coverage 47.78% Proposed lot coverage 50.31%

§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

Commissioner Allan Jacobs recused himself from this case.

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Case #17322 - Holly Cook, 49 Daytona Street, Atlantic Beach, NY

Construct a raised deck connecting the front and side decks, and a 3' addition to the rear of the existing garage (Continued)

Chairman Siniscalchi asked if there was anyone to speak on this case. Sworn in by Village Attorney Kovit was Holly Cook, 49 Daytona Street, owner and applicant. She said the side door already existing when the house was constructed in 1949 and now wants one set of stairs instead of two. The garage extension is to extend for storage because the lost storage when the house was raised and made more sense to enlarge the garage. Commissioner Baessler said this is a hardship imposed by FEMA and the basement would have been there if not raised. Commissioner Watkins had questions on access from the street.

Holly Cook said they would be adding 3' going north from the existing property.

Next to be sworn in by Village Attorney Kovit was Ron Cook, 30 Montgomery Boulevard, Atlantic Beach, NY. He said basically now there is no sidewalk only walkway and said they have to have access to side steps. He said they are trying to eliminate a stairway.

Chairman Siniscalchi asked if there was anyone to speak against. Sworn in was Joan Raffe, 2134 Pacific Boulevard. She said she has lived here 65 years and also owns 55 Daytona Street- her property abuts the rear property and the variance will create undue privacy. Anyone standing on their deck will impact her privacy at 55 Daytona Street also.

Chairman Siniscalchi asked if there was anyone to speak.

Ron Cook came back to the podium. He said he would never want to infringe on Joan and has known here for years; just wants it to be the best it can be.

Chairman Siniscalchi said they need a little more time. Attorney Kovit said the Board has 60 days to make a decision.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to reserve decision.

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Allan Jacobs
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.

Commissioner Jacobs moved the adoption of the following:

Case # 17313 - JELAB Trust, 77 Genesee Boulevard
Construct a two story single family dwelling with attached garage.
Granted with the following conditions:

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APPROVAL OF FINDINGS OF FACTS (Continued)

1. The side yard setback required 15' - requested 5'

- granted 10' side yard setback
2. The required rear yard setback is 21'3" - the applicant is increasing the rear yard to 25' by moving the garage forward
 3. A proper site plan and/or other documentation be submitted by applicant to Building Inspector Cherson indicating the changes as stated by Commissioner Baessler.

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

Ayes: Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Allan Jacobs
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 October 19, 2017 as written by the Village Clerk.

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

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

Noes: None

ADJOURNMENT

At 8:45 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 Allan Jacobs
Commissioner Steven Watkins

Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk