

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

DECEMBER 21, 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
Alternate Commissioner Steven Samuels

Village Attorney Charles S. Kovit
Building Inspector Steven Cherson
Village Clerk Emily Siniscalchi
Court Reporter Nancy Silberger

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

ALTERNATE ZONING COMMISSIONER SWORN IN

Village Attorney Kovit swore in Alternate Commissioner Steven Samuels for a one year term - January 1, 2018 to December 31, 2018 and for one month December 2017 - he replaced Alternate Commissioner Jesse Lunin-Pack

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

Case #17323 - 1600 Bay Boulevard Corporation
1600 Bay Boulevard, Atlantic Beach, NY 11509

Construct a rear deck with platform and stairs

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 84, Lots 28-30 on the Nassau County Land and Tax Map.

Article V "C" Residence District

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

Existing lot coverage 33.83% Proposed lot coverage 45.37%

Case #17323 - 1600 Bay Boulevard Corporation
1600 Bay Boulevard, Atlantic Beach, NY 11509 (Continued)

§250-38 Side yards. A (9) 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 15 feet. Neither side yard shall be less than five feet.

Proposed side yard setback 3.65 feet

Proposed side yard aggregate 10.05 feet

§250-39 Rear yards. There shall be a rear yard, the depth of which shall be at least 25 feet.

Proposed rear yard setback deck 9 feet

Proposed rear yard setback stairs 7 feet

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

Sworn in by Village Attorney Kovit was Todd O'Connell, Architect, 1200 Veterans Highway, Hauppauge, NY - he presented the case for the applicant.

Mr. O'Connell said the deck will never be enclosed ; property has a new bulkhead after Super storm Sandy and is 2' higher than before; just the staircase will be projecting into the yard.

Commissioner Baessler said his concern was the upper deck 4' high

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 # 17323 as submitted.

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

Ayes:

Chairman Anthony Siniscalchi

Commissioner Carl Baessler

Commissioner Allan Jacobs

Commissioner Steven Watkins

Alternate Commissioner Steven Samuels

Noes: None

Case #17324 - Benjamin Orbach and Derrie Simon
70 Nassau Avenue, Atlantic Beach, NY 11509

Construct a 14'x30' in ground swimming pool in the side yard

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 46, Lot 156 on the Nassau County Land and Tax Map.

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

Case #17327 - Benjamin Orbach and Derrie Simon
70 Nassau Avenue, Atlantic Beach, NY 11509

Construct a 7' x 14' x 9.6' shed

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 46, Lot 156 on the Nassau County Land and Tax Map.

Article V " C Residence District
§250.31.2 Accessory Structures

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 90 square feet and 9.6 feet in height

Village Attorney Kovit said Case # 17324 and 17327 are combined solely for this hearing.

Chairman Siniscalchi asked if there was anyone to speak on this case.
Sworn in was Todd O'Connell, Architect, 1200 Veterans Highway, Hauppauge, NY 11788 - he presented the cases for the applicants.

Shed - Mr. O'Connell said the two car garage will be eliminated - they still need storage when the swimming pool is not being used and when using the swimming pool to sit in the shade - they are asking for a 9 1/2' shed - current garage is substantially higher.

Swimming Pool - Mr. O'Connell said the side yard is best and the rear yard can be for entertaining - he said the house next door has a swimming pool in the same area. There will be no plumbing except for the pool equipment.

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 the following as submitted:

Case # 17324 - construct a 14'x30' in ground swimming pool
in the side yard

Case # 17327 - construct a 7' x 14'x9.6' shed

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
Alternate Commissioner Steven Samuels

Case #17325 - Vincent Roma and Leila Touhamy
175 Daytona Street, Atlantic Beach, NY 11509

Construct a one story rear addition and deck with exterior and interior alterations

Case #17325 - Vincent Roma and Leila Touhamy
175 Daytona Street, Atlantic Beach, NY 11509 (Continued)

Request for variance from the following sections of the Zoning Code of the Village of Atlantic Beach, NY also known as Section 58, Block 4, Lots 31 & 32 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 44.43%
Proposed lot coverage 46.12%

§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 10 feet from deck
Proposed rear yard setback from stairs 6.5 feet

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

Sworn in was Leila Touhamy and Vincent Roma, 175 Daytona Street - owner and applicants.

They are trying to bring house to FEMA compliance.

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 # 17325 as submitted on the condition
that the front and rear porches never be enclosed.

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
Alternate Commissioner Steven Samuels

Noes: None

Case #17326 - Welcome to New Home LLC (Sriram Koneru)
51 Fulton Avenue, Atlantic Beach, NY 11509

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 55, Lots 25-28 on the Nassau County Land and Tax Map.

Article V " C Residence District

§250-36 - Lot coverage

The lot coverage shall not exceed 30% of the lot area
Proposed lot coverage 35.05%

Case #17326 - Welcome to New Home LLC (Sriram Koneru)
51 Fulton Avenue, Atlantic Beach, NY 11509 (Continued)

§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 31.7 1/2 feet

(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 25.6 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.

290 s.f. of flat roof area

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

Scott R. Cohn, Esq. - 30 West Park Avenue, Long Beach, NY representing Mr. Koneru and presented the case. Mr. Cohn said the house is being built in accordance with FEMA standard; the house is 2 stories and the ground floor is for parking and storage. He said Atlantic Beach allows a peaked or gabled roof and this only has a small flat portion which will be a small deck - not visible from the street; access from staircase in rear of house.

Commissioner Baessler said he does not have a problem with lot coverage or porch as long as never enclosed; height is an issue and should be changed - 1st floor 8'; 2nd floor 9' and 3rd floor 8' - does not know why they need 9 feet for 1st floor; property has already been demolished except for garage and Attorney said that will go also; he asked if the owner is buying for investment only and Attorney said he did not know.

Sworn in by Village Attorney Kovit was Sriram Koneru, owner - he said he lives in Rockville Center and also owns a house in the Estates but will live in this house in Atlantic Beach - For Sale sign was taken down.

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 by Village Attorney Kovit was Anthony Basso, 41 Fulton Avenue, Atlantic Beach, NY. He had a problem with the sign; house will be out of character for the street - too high; height almost 4' higher than other houses.

Next to be sworn in was Robin Chasky, 60 Erie Avenue, Atlantic Beach, NY - about 1/3 of her property is behind the house and does not want to be shaded in; does not want to look at staircase and deck.

Next to be sworn in was Andrew Arluck, 54 Fulton Avenue, Atlantic Beach, NY.

Next to be sworn in was Doree Gottlieb, 50 Fulton Avenue, Atlantic Beach, NY - she lives directly across the street and asked if 3 stories was allowed - the Board said we only allow two living stories - height is an issue and rendering on sign.

Chairman Siniscalchi asked Mr. Cohen if the height can be lowered.

At 8:30 PM the meeting went off record and Mr. Cohen and Mr. Koneru conferenced with Building Inspector Cherson.

At 8:40 PM the meeting went back on record.

Case #17326 - Welcome to New Home LLC (Sriram Koneru)
51 Fulton Avenue, Atlantic Beach, NY 11509 (Continued)

Attorney Kovit said the applicant and counsel met with Building Inspector and proposed the following:

- reduce height to 1.7' from 3.7'
- first living floor from 10' to 9'
- second living floor to 9'
- garage 8'

Attorney Kovit asked if anyone wants to comment on the above proposal. Ms. Chasky thinks still too high - her living will completely change - 1.7' too much; Mr. Basso asked if first floor is for storage and answer was yes; Mr. Arluck thinks the proposal is good.

Commissioner Baessler said because of FEMA new house has to be higher and first floor is for parking; house is three stories and not very steep roof line - does not think it is outlandish - lots of people have swimming pools.

Commissioner Baessler moved the adoption of the following:

RESOLVED, that Case # 17326 be granted as follows:

- ground level - 8' high
- 1st floor - 9' high
- 2nd floor 9' high
- porch deck never be enclosed

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
Alternate Commissioner Steven Samuels

Noes: None

DECISION

Case # 17322 - Holly Cook, 49 Daytona Street - Construct a raised deck connecting the front and side decks and a 3' addition to the rear of the existing garage was heard at the November 16, 2017 meeting and decision reserved.

Holly and Ronald Cook sent a letter to the Board stating "please accept this letter to withdraw the special exception for setback requirements portion. They are asking approval for the 3' extension to the existing garage on the property."

Commissioner Baessler moved the adoption of the following:

RESOLVED, that Case #17322 - 3' extension to the existing garage be granted as submitted.

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler
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 Baessler moved the adoption of the following:

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

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

Commissioner Watkins moved the adoption of the following:

Case #17321 - Joseph Montilli, 102 Cayuga Avenue, Atlantic Beach, NY
Construct a new 19' x 6' second story deck with interior alterations
and from the northeast corner of the property 35' south 8' high fence
and then drop to permitted fence height - granted 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

APPROVAL OF MINUTES

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

Commissioner Jacobs made a motion to accept the minutes of November 16, 2017 as written by the Village Clerk.

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

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 Allan Jacobs
Commissioner Steven Watkins
Alternate Commissioner Steven Samuels

Noes: None

Emily Siniscalchi, Village Clerk