

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

MARCH 15, 2018

CALL TO ORDER

At 8:10 PM Chairman Anthony Siniscalchi called the meeting to order.

ROLL CALL

Present were:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Steven Watkins
Alternate Commissioner Steven Samuels

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

Absent: Commissioner George Cornish
Commissioner Allan Jacobs

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 # 18331 - Anthony Livreri & Erica Gerard, 62 Albany Boulevard
Construct a one story side addition and arbor

Also known as Section 58, Block 59, Lots 76 & 78 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, NY

Article V " C" Residence District
§250-36 - Lot coverage

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

Existing lot coverage 32% Proposed lot coverage 38.8%

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

Sworn in was Stephen Giunta, RA, 9116 Shore Front Parkway, Rockaway Park, NY 11693.

Mr. Giunta gave an overview of the proposed construction. He said they want to expand the existing kitchen, construct an arbor and add a door to open out to the arbor.

Case # 18331 - Anthony Livreri & Erica Gerard, 62 Albany Boulevard
Construct a one story side addition and arbor (Continued)

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

Commissioner Baessler asked if this was granted will they be willing to state the arbor never be enclosed or covered and the answer was yes.

Commissioner Baessler moved the adoption of the following:

RESOLVED, that Case # 18331 is granted with the condition that the arbor never be covered or enclosed.

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Steven Samuels
Commissioner Steven Watkins

Noes: None

Benjamin Kest Living Trust and Marisa Kest Tenants in Common,
58 Rensselaer Avenue

Also known as Section 58, Block 42, Lots 49-54 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, NY

Case # 18332 Construct a 16' x 34' in ground swimming pool in the side yard
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 # 18333 Raise the existing grade in the rear yard

Article V "C" Residence District

§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 average grade change 3.36 feet

Case # 18334 Construct a 9' x 16' cabana

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

Benjamin Kest Living Trust and Marisa Kest Tenants in Common,
58 Rensselaer Avenue (Continued)

(2) Such cabana is located at least 10 feet away from an adjoining property lines, and its entrance is located within the required fencing surrounding the swimming pool.

Proposed cabana height 11.4 feet and 1360 cubic feet

Proposed side yard setback 5.8 feet and rear yard setback 6 feet

Case # 18335 Construct a covered porch and balcony

Article V "C" Residence District

§250-36 Lot coverage

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

Proposed lot coverage 32.6%

PER BUILDING INSPECTOR STEVEN CHERSON DECK AND FRONT PORCH SCALED
BACK, NO VARIANCE REQUIRED

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

Attorney for applicant Wayne Edwards, Sahn Ward Coschignano, PLLC,
333 Earl Ovington Boulevard, Uniondale, NY presented the case.

Attorney Kovit asked Mr. Edwards if the cases can be consolidated and he agreed.

Mr. Edwards submitted into evidence:

Applicant Exhibit 1:

- Area Map showing location of subject property
- Locations of pools within immediate area of subject property
- Pools that comply with rear yard requirements, pools that violate rear yard requirements
- Photos of property 58 Rensselaer Avenue

Mr. Edwards then stated the relief the applicants are seeking. He said in order to construct the swimming pool you have to elevate the property.

The retaining wall will make sure no run off onto neighboring properties; neighbors can have the area inspected. They will provide a landscape plan for privacy. His client building a beautiful house.

Chairman Siniscalchi said the wall looks 3' high.

Sworn in was Daniel Shriki, Capobianco Architects. He said the wall is existing but there will be an additional wall. Commissioner Baessler had concerns that it is properly protected and the answer was there will be a fence. Mr. Shriki said there is an existing wall and plantings will be between the two walls. He said new plans were submitted this week which shows 2 walls. Commissioner Samuels said existing grade about 12' elevation and they want to raise about 1 1/2'.

They have no landscaping plan.

Commissioner Baessler has an issue with height of cabana and architect said they will lower the cabana height - Attorney proposing to lower to 10'.

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

David Leno, Attorney, Rivkin Radler, said he is here on behalf of the Kaplans the adjoining property of the applicant.

He submitted into evidence the following exhibits:

- Neutral Exhibit 1: March 5, 2018 letter to Adam & Jesica Kaplan,
58 Rensselaer Avenue from Petracca Design and
Engineering, PC, 199 East Main Street, Smithtown, NY

Benjamin Kest Living Trust and Marisa Kest Tenants in Common,
58 Rensselaer Avenue (Continued)

- Neutral Exhibit 2: Curriculum Vitae for Thomas J. Petracca, PE

Mr. Leno said the revised plans show the additional drainage.

Chairman Siniscalchi asked if there was anyone to speak.

Sworn in was Jessica & Anna Kaplan, 48 Rensselaer Avenue and the Chairman asked if they have any problem with the application and they said they are in agreement with attorney.

Next to be sworn in was Dana Kalter 49 Suffolk Boulevard - her property is back to back and she is curious to see a landscaping plan.

She also asked why raising the grade - the answer was: less steps when exiting the house.

Commissioner Watkins moved the adoption of the following:

RESOLVED, Case # 18332,18333,18334,18335 are granted as follows:
to lower the cabana height 10'; maintain bushes; drainage
subject to the Building Inspector's approval.

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

Ayes:
Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Steven Samuels
Commissioner Steven Watkins
Noes: None

The following cases were heard at the February 15, 2018 meeting and the decision was made to continue at the March 15, 2018 meeting.

Steven Cherson read the relief the applicants are seeking and said the case was adjourned from the February meeting -

Case #18327 - Christopher and Anna Kyriakides
2115 Pacific Boulevard, 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 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)

§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

Case #18328 - Steven Shankman

2121 Pacific Boulevard, 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 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 or, if there are less than two existing buildings on the same side of the street, the average front yard depth of existing buildings within 200 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

Case #18328 - Steven Shankman

2121 Pacific Boulevard, Atlantic Beach, NY 11509 (Continued)

§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

Chairman Siniscalchi asked if there was anyone to speak on these cases.

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

He said revised plans were submitted - and the revisions were - reduce height from 30.28 to 27.82; reduce grade level entry and garage level from 9' to 8' and taking inches out of 2nd and 3rd floors.

Mr. Monteverde submitted into evidence for Case # 18327 and 18328 Applicant Exhibit 1, 2, 3, 4 - similar structures were approved by the Board on Coronado and Eldorado Streets.

Mr. Monteverde said he made the necessary revisions to Case # 18328 - Steven Shankman, 2121 Pacific Boulevard -

- reduce height from 30' 1/2" to 27' 9 1/2" = brought down 3'2"
- asking for a 1'9" variance

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 Holly Cook, 49 Daytona Street - her house is across the street from 2115 and 2121 Pacific Boulevards. She said she attended the last meeting and is glad to hear the height was changed. Mr. Cherson said they had to raise the house to meet FEMA requirements. She said her bedroom will look at the roof deck. Mr. Monteverde said the deck is not visible from the north side of the building and she will only see a portion of the bulkhead.

Sworn in was Prabash Koneru - 2114 Pacific Boulevard - lives across the street. His concerns are the same as Holly Cook's - lot coverage - he said he was able to build a two story house with garage. He said he objects to the flat roof - invading privacy and deck looking into his house. Mr. Monteverde said the deck is about 200 SF and said the deck is in the center

The Architect and applicants took various breaks at the meeting to discuss the plans. The Building Inspector also conferenced with the Architect.

The following revisions were proposed:

2115 and 2121 Pacific Boulevard: reduce width 1' east side; reduce 30% lot coverage; roof deck coverage lower to 395 SF

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

Holly Cook came back to the podium and said she appreciates the amendments but still sets a precedent and change character of the neighborhood. Mr. Monteverde said he will submit new plans.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, Case # 18327 - 2115 Pacific Boulevard to reduce
lot coverage - 34.37%; deck 395 SF

Case # 18328 - 2121 Pacific Boulevard to reduce
lot coverage 34.51%; deck 395 SF

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Steven Samuels

Noes:

Commissioner Carl Baessler
Commissioner Steven Watkins

The above resolution has been denied - Attorney Kovit asked the Board if they wanted to adjourn as opposed to deny - the Board agreed

The owner Anna Kyriakides, 63 Suffolk Lane, Tenafly, NJ asked to speak and was sworn in and said the original house had a roof top deck and she was rebuilding for her family to live there.

The Board took a revote and all ayes - Motion by: Chairman Siniscalchi -
Seconded by: Commissioner Watkins

Ayes: Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Steven Samuels
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

This case was heard at the March 15, 2018 meeting and Attorney Rubin said he would like to adjourn the case to the March meeting so he can meet with the building department and his request was granted.

On March 15, 2018 Peter M. Rubin, Esq., Rubin, Cooper & Associates, 330 Sunrise Highway, Rockville Centre, NY sent a letter to the Zoning Board requesting an adjournment of this case to the April 19, 2018 hearing. The Architect wants to submit revised plans.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to adjourn Case # 18329 to the April 19, 2018 meeting at the request of their Attorney.

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

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

Ayes:
Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Steven Samuels
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:

RESOLVED, to accept the Findings of Facts for the following case as written by the Village Clerk:

Case #18330 - Peter & Barbara Duffy, 2150 Pacific Boulevard
Construct a fence 8' with masonry wall at Pacific Boulevard and 6' high to front of house

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

Ayes:
Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner Steven Samuels
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.

Chairman Siniscalchi made a motion to accept the minutes of February 15, 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 Steven Samuels
Commissioner Steven Watkins

Noes: None

ADJOURNMENT

At 10:30 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 Steven Samuels
Commissioner Steven Watkins

Noes: None

Emily Siniscalchi, Village Clerk