

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

MAY 24, 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.

Village Attorney Kovit said there is an application for adjournment for the following cases.

Case # 18338	<u>JELAB Trust, 77 Genesee Boulevard</u> 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
Case # 18340	Construct a single story pool cabana
Case # 18341	Fence height on side and rear property lines 8' in height

Application for an adjournment to the June meeting by opposition Dr. & Mrs. Feinsod received by the Board. Opposition to the application for adjournment by Benjamin Weinstock also received by the Board. The Board after hearing argument granted the application to the extent of adjourning the cases to the June meeting. Mr. Kovit made it very clear to the opposition that it is imperative that they be ready to present their case at the June meeting, and no further opposition adjournments will be considered by the Board, except for extremely compelling reasons.

Mrs. Feinsod submitted into evidence:

Opposition Number 1: May 16, 2018 letter from
Steven Schneider, 78 Fulton Avenue

JELAB Trust, 77 Genesee Boulevard (Continued)

Attorney Benjamin Weinstock, Ruskin Moscou Faltischek, P.C., 1425 Rex Corp Plaza, Uniondale, NY. - attorney for applicants.

Submitted into evidence:

Applicant Exhibit 1 - in opposition to an adjournment

Also sworn in:

Neil Isler, 99 Genesee Boulevard - in favor of the construction

Anthony Basso, 41 Fulton Avenue - he agrees to the adjournment because house is gigantic

Joseph Pierantoni 74 Genesee Boulevard - he supports adjournment because the Feinsod's said they did not receive proper notice and seems to be a trend to over building in the village - all should have time to review

Commissioner Watkins moved the adoption of the following:

RESOLVED, to adjourn Case # 18338, 18339, 18340, 18341, 18342 to the June 21, 2018 meeting.

The foregoing was seconded by Commissioner Jacobs 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 # 18342 - Yana Squeri, 113 Erie Avenue

Construct a 18' x 35' in-ground swimming pool within the side yard - fence enclosure higher than permitted

Also known as Section 58, Block 72 Lots 18-21 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.

Article V "C" Residence District

§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 dwelling 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.

Proposed fence height on side and front property lines 6 feet in height

Case # 18342 - Yana Squeri, 113 Erie Avenue (Continued)
Construct a 18' x 35' in-ground swimming pool within the
side yard - fence enclosure higher than permitted

Article XI

§ 250-84 -Swimming Pools

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.

Proposed pool is located in the side yard

Sworn in was Richard Barbieri - Consulting Engineer, A.S.B. Engineering, P.C., 1924 Bellmore Avenue, Suite A, Bellmore, NY 11710. Mr. Barbieri said he was representing Mr. Squeri. He gave an overview of the variance and said it is better for the neighbors if he pulls the swimming pool away from the fence- there is no fence variance it is conforming.

The meeting went off the record for five minutes

Chairman Siniscalchi asked if there was anyone to speak in favor - 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 # 18342 pursuant to plans submitted
- approve side yard swimming pool and applicant rescinded his request
for a fence higher than permitted in the front yard setback

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

APPROVAL OF FINDINGS OF FACTS

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

Commissioner Jacobs moved the adoption of the following:

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

Case # 18336 1990 Bay Boulevard LLC, 1990 Bay Boulevard
Construct a two story single family dwelling with attached
garage; amendment to eliminate front yard setback variance

Case # 18337 John Powers & Lorie Hartfield, 115 Acapulco Street
Convert an existing garage into storage and cabana

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler

APPROVAL OF FINDINGS OF FACTS (Continued)

Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steven Watkins
Noes: None

APPROVAL OF DECISION

Commissioner Baessler moved the adoption of the following:

Case # 18329 Nadir Uygan, 1895 Bay Boulevard
Construct a third story to an existing two story single
family dwelling - DENIED

The foregoing was seconded by Chairman Siniscalchi 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 MINUTES

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

Commissioner Baessler made a motion to accept the minutes of April 19, 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 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 George Cornish
Commissioner Allan Jacobs
Commissioner Steven Watkins
Noes: None

Emily Siniscalchi

Emily Siniscalchi, Village Clerk