

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

JUNE 21, 2018

CALL TO ORDER

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

ROLL CALL

Present were:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner George Cornish
Alternate Commissioner Steven Samuels

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

Absent: Commissioner Allan Jacobs
Commissioner Steven Watkins

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 # 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.

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)

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

Sworn in was John Capobianco, Architect, 159 Doughty Boulevard, Inwood, NY.
Mr. Capobianco was representing the owners Edward & Dana Federbush.

Submitted into evidence:

Applicant Exhibit 1: photo of 1697 Bay Boulevard

Mr. Capobianco gave an overview of the proposed construction and answered any questions the Board had.

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 # 18343 pursuant to plans submitted

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner George Cornish

Opposed: Commissioner Carl Baessler
Abstain: Commissioner Steven Samuels

Mr. Copobianco came back to the podium and asked that this case be adjourned to the July meeting so he can consult with his client.

Village Attorney Kovit said we are accepting your motion to adjourn the public hearing until next month to present further information.

The Board voted to grant this request as follows:

Motion by: Commissioner Carl Baessler

Seconded by: Commissioner George Cornish

Ayes: Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner George Cornish
Commissioner Steven Watkins
Commissioner George Cornish
Commissioner Steven Watkins

Noes: None

Mr. Cherson stated the relief the applicants are seeking.
This case was adjourned from the May 24, 2018 meeting

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.

JELAB Trust, 77 Genesee Boulevard (Continued)

Case # 18338, 18339, 18340, 18341

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,

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.

Village Attorney Kovit asked Mr. Cherson to give a recap of what was granted - he read from the Finding of Facts for grade change and house.

Mr. Kovit said we received a letter from Barry Felder and a copy was give to the attorney for the applicant - Mr. Weinstock.

Benjamin Weinstock, Esq., RuskMosouFaltischek came to the podium and addressed Mr. Felder's comments.

Present at this meeting in favor:

Benjamin Weinstock, Esq., Jody Alpert Levine, Ann Coombs

JELAB Trust, 77 Genesee Boulevard (Continued)
Case # 18338, 18339, 18340, 18341

Present at this meeting opposing:

Mireille Heyman, June and Donald Feinsod, Barry & Robyn Felder, Steven and Michelle Schneider, Dolores Friedel, Joseph Pierantoni.

The following exhibits were submitted into evidence:

Applicant Exhibit 1: Jed D. Nelson, New York State General Certified Real Estate Appraiser - Professional Qualifications

Applicant Exhibit 2: Google maps of 29 Rensselaer Avenue, 50 Kings Avenue, 1924 Ocean Boulevard, 30 Hamilton Avenue, 1690 Bay Boulevard

Opposition Exhibit 1: November 8, 2017 letter to Steven Schneider, 78 Fulton Avenue from Building Inspector Steven Cherson re: BP 2017-6390
- Install 6' high fence on rear property line

Opposition Exhibit 2: November 8, 2017 letter to Dr. Steven Schneider, 78 Fulton Avenue from Jody Levine, 77 Genesee Boulevard

Opposition Exhibit 3: Architectural Survey of Levine property - submitted by Mrs. Feinsod

Opposition Exhibit 4: Photographs of Schneider property

Opposition Exhibit 5: Invoice - Serrano Fence & Son Inc. to Steven Schneider

Opposition Exhibit 6: Photograph

Opposition Exhibit 7: Photograph

Opposition Exhibit 8: Photograph

Opposition Exhibit 9: Photograph

Opposition Exhibit 10: Photograph

Opposition Exhibits 1,2, 4, 5, 6, 7, 8, 9, 10 presented by Steven Schneider, 78 Fulton Avenue

Village Attorney Kovit said applicant and any objector or objectors may submit draft findings of facts as they may deem appropriate.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to reserve decision for the following cases:

Case # 18338 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

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

Ayes:

Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner George Cornish
Commissioner Steven Samuels

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 Baessler moved the adoption of the following:

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

Case # 18342 Yana Squeri, 113 Erie Avenue
Construct a 18' x 36' in-ground swimming pool within the side yard fence enclosure higher than permitted

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

Ayes: Chairman Anthony Siniscalchi
Commissioner Carl Baessler
Commissioner George Cornish
Commissioner Steven Samuels
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 Cornish made a motion to accept the minutes of May 24, 2018 as written by the Village Clerk.

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

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

ADJOURNMENT

At 10:30 PM Chairman Siniscalchi made a motion to adjourn.

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

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

Emily Siniscalchi
Emily Siniscalchi, Village Clerk