

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

AUGUST 16, 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 Steve Watkins

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.

Case # 18347 - Frank & Kimberly LiVecchi, 1590 Beech Street
Maintain an existing 23' 8" x 13' 8" x 10' 4" high screened in room

Also known as Section 58, Block 61, Lots 1, 2, 116, 117

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

Article V, Residence C District
§250-31.2 Accessory Structure

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 328.44 square feet Proposed height 10.4 feet
Proposed front yard setback 15 feet

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

Sworn in by Village Attorney Kovit was Kimberly LiVecchi, 1590 Beech Street, Atlantic Beach, NY. applicant and owner.

Case # 18347 - Frank & Kimberly LiVecchi, 1590 Beech Street
Maintain an existing 23' 8" x 13' 8" x 10' 4" high screened in room (Continued)

Mrs. LiVecchi said the screened in gazebo (porch) has been there about 15 years - they eat in it.

Chairman Siniscalchi asked if there was anyone else to speak for

Sworn in by Village Attorney Kovit was Frank LiVecchi, 1590 Beech Street, Atlantic Beach, NY. He said he has lived there for 51 years and has had the gazebo for 15 years and want to make everything legal.

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

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to grant Case # 18347 to maintain an existing 23' 8" x 13' 8" x 10' 4" high screened in room as submitted.

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 # 18346 - Michael Kadoe, 85 Erie Avenue
Construct a 8' -11 7/8" x 22' -8 1/2" rooftop bulkhead

Also known as Section 58, Block 56, Lot 126

Request for variance from the following section of the Zoning Code of the Village of Atlantic Beach, NY.

Article V, Residence C District

§250-35. Height

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 height 31.6 feet

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

Steven Kaiser, Esq. - Attorney for Applicant presented the case and gave an overview of what they are seeking. He said the reason for the variance - a prior variance a trap door was proposed and the want to put a door instead of the trap door. The applicant plans to live there with his family.

Mr. Kaiser submitted into evidence the following exhibit in favor of the application:

Applicant Exhibit A: 17 letters signed by residents stating they have seen the bulkhead plan at 85 Erie Avenue and have no objections

Commissioner Baessler asked why not on the original plans.

Case # 18346 - Michael Kadoe, 85 Erie Avenue
Construct a 8'-11 7/8" x 22' -8 1/2" rooftop bulkhead (Continued)

Next to be sworn in was Eric Kupferberg , Architect, 125 Taft Avenue, Long Beach, NY. He said he thinks the client did not understand the original plans. The Commissioners had questions for Mr. Kupferberg- he said the client wants stairs instead of trap door - Commissioner Baessler said the roof top deck was granted March 2017 with a roof top hatch door. Mr. Kupferberg said the only thing there is a temporary roof structure and everything that is there now will be removed.

Chairman Siniscalchi asked if there was anyone to speak against.

Sworn in was Michael Diamond, 89 Erie Avenue, Atlantic Beach, NY and said he was the neighbor to the immediate north.

He submitted into evidence: Opposition Exhibit A through J - photographs

M. Diamond continued to explain each photograph and expressed his concerns. Next to be sworn in by Village Attorney Kovit was Melinda Diamond, 89 Erie Avenue, Atlantic Beach, NY. and she explained the Exhibit B - bulkhead has double hung windows.

Next to be sworn in was Michael Kadoe, 7 West 82nd Street, New York, NY owner of the property. Also sworn in was Renata Kadoe - she said they plan on using the house year round, her parents will be moving here and staying in the house.

Chairman Siniscalchi asked if there was anyone else to speak on this case - there was no one.

Commissioner Cornish moved the adoption of the following:

RESOLVED, hearing is closed for Case # 18346 and decision reserved.

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

Village Attorney Kovit said the decision has been reserved and under Village law we get 60 days to make a decision.

DECISION AND FINDINGS OF FACT

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

DECISION

Commissioner Jacobs made a motion to accept the Decision as written by the Village Clerk- seconded by Commissioner Cornish and passed by the following vote:

DECISION (Continued)

JELAB Trust, 77 Genesee Boulevard

- 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

Ayes: Chairman Anthony Siniscalchi
Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steven Watkins

Abstain: Commissioner Carl Baessler

APPROVAL OF FINDINGS OF FACTS

Commissioner Cornish made a motion to accept the Findings of Facts as written by the Village Clerk- seconded by Commissioner Watkins and passed by the following vote:

- Case # 18343 Edward S. Karan and Dana Federbush, 1697 Bay Boulevard
Covert existing one car garage to storage and a cabana
Case # 18344 Patricia Berkule, 62 Ithaca Avenue
Construct a one story rear addition and rear deck
Case # 18345 Camille Hull, 2104 Bay Boulevard
Construct a rear deck

Ayes: Chairman Anthony Siniscalchi
Commissioner George Cornish
Commissioner Allan Jacobs
Commissioner Steven Watkins

Abstain: Commissioner Carl Baessler

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 July 23, 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 George Cornish
Commissioner Steven Samuels
Commissioner Steven Watkins

Abstain: Commissioner Carl Baessler

ADJOURNMENT

At 9:30 PM Chairman Siniscalchi made a motion to adjourn.

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

Emily Siniscalchi

Emily Siniscalchi, Village Clerk