

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

FEBRUARY 11, 2021

CALL TO ORDER

At 7:10 PM Chairman Anthony Siniscalchi called the meeting to order.

ROLL CALL

Present:

Chairman Anthony Siniscalchi  
Commissioner Carl Baessler – ZOOM  
Commissioner George Cornish  
Commissioner Steven Samuels  
Alternate Commissioner Steven Lassoff  
Alternate Commissioner Danae Muddiman – ZOOM

Village Attorney Dominick Minerva  
Building Inspector Steven Cherson  
Village Clerk Emily Siniscalchi  
Court Reporter Alexa Lorenzo - Top Key Court Reporting - ZOOM

Absent: Commissioner Allan Jacobs 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.

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

Case # 20386 – 90 Montgomery Atlantic Beach LLC, 90 Montgomery Boulevard  
Construct a two-story FEMA compliant single-family dwelling

Building Inspector Steven Cherson stated the relief the applicant is seeking  
He said this case was adjourned at the December 3, 2020 meeting to today.

Also known as Section 58, Block 47, Lots 62-66 & 161 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 35.7%

§250-39 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 25 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.

Permitted rear yard 21.3 feet Proposed rear yard setback 15 feet

§250-25 Permitted encroachments. A(9) Stairs no greater than four feet in width and secondary landings no greater than four feet by four feet projecting into the front yard setback shall be permitted, shall not count towards lot coverage.

Proposed width of stairs 8 feet

Case # 20386 – 90 Montgomery Atlantic Beach LLC, 90 Montgomery Boulevard  
Construct a two-story FEMA compliant single-family dwelling (Continued)

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

Representing the applicant Howard Avrutine, 575 Underhill Blvd., Syosset, NY 11791. He said Paula Etra is the principal of the LLC. Mr. Avrutine presented the case to the board.

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 Dominick Minerva was Lauren Troyetsky, 85 Nassau Avenue. She said she was not told about this and received no letter and called the office to see if it was scheduled for today. She objects to them coming 15' to her yard and where will the AC go, pool equipment, etc. if the house is setback. Building Inspector Cherson explained the height and where the house will start. She also asked if they are going to put trees on the property again so she does not have to look at the back of house.

Next to be sworn in by Village Attorney Dominick Minerva Jean Lindenbaum, 1750 Bay Boulevard and she was here representing the Jewish Center of Atlantic Beach. She said they object to 5' encroachment on 2 homes the Jewish Center of Atlantic Beach owns – if they want to sell there houses it will be an adverse effect.

Chairman Siniscalchi asked if there was anyone else to speak against. Sworn in by Village Attorney Dominick Minerva was Doreen Mariani, 79 Nassau Avenue – she agrees with everything Loren Troyetsky has said – equipment loud can it be set closer to the street.

Chairman Siniscalchi asked if there was anyone else to speak against – there was no one.

Mr. Avrutine came back and said the plans show the equipment behind the home. Next to be sworn in was Architect James Joyce 41 Georgia Avenue, Long Beach, NY. He said the equipment will be at rear property behind house 5' off side property line. Chairman Siniscalchi asked if they can move this 3' and Mr. Joyce said tough he has worked with the owner. Commissioner Baessler said 11,000 sf property and 105' on south side – why is this before us – not just redesigned - move house further south.

At 7:35 PM the meeting went off record and the Attorney, Architect and Mr. Cherson met with the owner. 7:40 PM went back on record.

Move house forward 21.1' front yard setback; reduce depth of house by 1' and equipment will be placed in code location. Commissioner Cornish said make bedroom, living room etc. smaller and Architect said bedrooms could be tightened up but they went through requirements of homeowner.

Attorney Avrutine requested an adjournment of hearing.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to adjourn Case # 20386 – date to be set - the applicant will submit revised plans and notification to be sent to interested parties of the new date to consider amended plans.

Case # 20386 – 90 Montgomery Atlantic Beach LLC, 90 Montgomery Boulevard  
Construct a two-story FEMA compliant single-family dwelling (Continued)

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

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Steven Samuels  
Commissioner Steven Lassoff

Noes: None

CONTINUATION

Case # 21387 1846 Park Street Realty LLC, 1846 Park Street  
Construct a 10' x 15' walk-in refrigeration box on a raised platform

Building Inspector Steve Cherson stated the relief the applicant is seeking – this case was originally heard at the December meeting

Also known as Section 58, Block 67, Lot 20 on the Nassau County Land and Tax Map.

§250-4 Continuation or change of legal nonconforming non-conforming uses and buildings

(D) Renovations are permitted only within the confines of the existing building.

§ 250-16.2 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.

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

Sworn in by Village Attorney Minerva was Michele Jackson, 111 Jefferson Boulevard – she is concerned on what can happen back there the minute you have food – birds, cats, dogs, noise nuisance coming in and out of restaurant. She does not want to smell food.

Next to be sworn in was Augie Boner, 170 Bayside Drive – owner of the LLC. He said this location has been a restaurant long before he came to town- he does not want any vermin, bugs, dogs – has to have a walk in box – not inside and wants to make them happy.

Next to speak on behalf of the Jackson's was Brian Stolar, Meyer, Suozzi, 990 Stewart Avenue. Garden City, NY.

He gave a photo to the Board of what the building looks like from the Jaspan's second story. He said the refrigeration unit should have been considered when building redone; how will the revised building be done; need elevation plan. He wants to know exactly what they will look at.

Case # 21387      1846 Park Street Realty LLC, 1846 Park Street  
Construct a 10' x 15' walk-in refrigeration box on a raised platform  
(Continued)

He is asking for a continuation of the hearing and Building Inspector Cherson agrees they need more detailed plans – show detail walls, roof exterior material and exactly what it will look.

They will do rendering of exactly what it will look

Next to be sworn in by Village Attorney Minerva was Angelo Marchica, ABCO Contracting Corp., Brooklyn, NY

He said the walk-in box – he has spoken to property owner – they are willing to enclose structure and will look like part of the building not a refrigerator box- all concealed. Commissioner Baessler asked if it was going on a wooden platform and the answer was yes.

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 Minerva was Stephen R. Mahler, 120 Jefferson Boulevard. He said prior restaurant had a profusion of mice- will it be again and invite another invasion.

Chairman Siniscalchi moved the adoption of the following:

RESOLVED, to adjourn Case # 21387 to the February 25, 2021 meeting for applicant to submit revised drawing depicting elevation of the enclosure and location of mechanical equipment.

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

Ayes:            Chairman Anthony Siniscalchi  
                     Commissioner Carl Baessler  
                     Commissioner George Cornish  
                     Commissioner Steven Samuels  
                     Commissioner Steven Lassoff

Noes:            None

Case # 21388 – Frank Gargano, 101 Genesee Boulevard  
Construct a roof deck above the master bedroom

Building Inspector Steven Cherson stated the relief the applicant is seeking

Also known as Section 58, Block 70, Lots 16-21 on the Nassau County Land and Tax Map.

§250-108 Prohibited and restricted uses  
(J) buildings within the Village of Atlantic Beach shall be constructed with peaked or gable roofs only.

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

Case # 21388 – Frank Gargano, 101 Genesee Boulevard  
Construct a roof deck above the master bedroom (Continued)

---

Dennis Kelly, Esq., 120 West Park Avenue, Suite 311, Long Beach, NY was here on behalf of applicant. Mr. Gargano is seeking to extend, relocating master bedroom, increasing kitchen and adding roof deck – extension of flat roof – 15' x 21' deck – only access by spiral staircase and will only be used for themselves.

Chairman Siniscalchi said what they are proposing is a concern to the neighbors.

Mr. Kelly submitted into evidenced the following exhibits.

Applicant Exhibit 1: photos of houses in the village with decks

Applicant Exhibit 2: photos from property to neighboring properties

Applicant Exhibit 3: photo of house directly behind

Applicant Exhibit 4: February 10, 2021 letter from neighbors Jackie & Danny Foster providing full support of the home improvement project and roof deck

Applicant Exhibit 5: more photos with flat/decks

Chairman Siniscalchi asked if there was anyone to speak for.

Sworn in by Village Attorney Minerva was Frank Gargano – applicant

Sworn in by Village Attorney Minerva was Jennifer Gargano

At 9:07 PM the Board took a 5 minute break

At 9:40 PM back on record.

Attorney Kelly came back to the podium. He said they do not believe the deck is an evasion of privacy.

Chairman Siniscalchi asked if the Board has any questions.

Commissioner Samuels moved the adoption of the following:

RESOLVED, to reserve decision.

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

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Steven Samuels  
Commissioner Steven Lassoff

Noes: None

APPROVAL OF FINDINGS OF FACTS - 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 Lassoff moved the adoption of the following:

RESOLVED, to accept the minutes of January 14, 2021 as written by the Village Clerk

APPROVAL OF MINUTES (Continued)

The foregoing was seconded by Chairman Siniscalchi and passed by the *following*

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Steven Samuels  
Commissioner Steven Lassoff

Noes: None

ADJOURNMENT

At 9:37 PM Commissioner Samuels made a motion to adjourn.

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

Ayes: Chairman Anthony Siniscalchi  
Commissioner Carl Baessler  
Commissioner George Cornish  
Commissioner Steven Samuels  
Commissioner Steven Lassoff

Noes: None

---

Emily Siniscalchi, Village Clerk