

**MINUTES  
BOARD OF ZONING APPEALS  
VILLAGE OF ATLANTIC BEACH  
VILLAGE HALL  
65 THE PLAZA  
ATLANTIC BEACH, NEW YORK**

**December 4, 2025**

<b>Present:</b>	<b>Chair Members</b>	<b>George Cornish Carl Baessler, John Miguez, Anthony Piscione, and Gary Spindler</b>
	<b>Attorney Clerk</b>	<b>Brian S. Stolar Josie Ficeto</b>

The meeting was called to order at 7:17pm.

The Board discussed the application of 1846 Park Realty LLC (Case #25-09-6944) on which a public hearing was held previously. The applicant seeks to convert a portion of the building at premises located at 1846-1850 Park Street from retail occupancy to restaurant occupancy. The Building Department determined that the proposal did not comply with the following Village Code sections: (a) Village Code §250-4(B) in that the physical area occupied by any legal nonconforming use shall not be expanded, (b) Village Code §250-4(C) in that no legal nonconforming building may be expanded unless the use is expressly permitted in the regulations applicable to the zoning district and not a legal nonconforming use, (c) Village Code §250-125(A)(8), to permit 16 on-site parking spaces, where a minimum of 30 spaces is required (accounting for 55 total spaces required upon the occupancy conversion and a variance for 25 off-site spaces having been approved previously), (d) Village Code §250-125(D)(3), to provide a parking aisle width of 22 and 13 feet, where a minimum of 24 feet is required, (e) Village Code §250-125(F), in that no parking space is permitted in a front yard, except where the Board of Zoning

Appeals grants a special exception, and (f) Village Code §250-108, to permit HVAC rooftop equipment, where such structure requires a special exception from the Board. The applicant requests that the Board grant relief with respect to the

The Board deliberated with respect to the variances of Village Code §§250-4(B) and (C). The Board noted that the applicant contended during the hearing that the proposed commercial use of the premises is not being expanded, but rather a portion of the building used for commercial uses is being changed from a retail occupancy to restaurant occupancy and that the use in the space used for retail occupancy may still be used for restaurant occupancy. After such discussion, on motion by the Chair, seconded by Mr. Spindler, and adopted three votes in favor and Mr. Baessler and Mr. Miguez opposed, the Board voted to determine that the proposed occupancy conversion does not constitute an expansion of a nonconforming use or an expansion of a nonconforming building.

The Board discussed environmental review considerations under the New York State Environmental Quality Review Act (SEQRA) with respect to the application. After such discussion, on motion made by Mr. Piscione, seconded by the Chair, and adopted four votes in favor and Mr. Miguez opposed, the Board determined that it is the lead agency under SEQRA, that given the Board's interpretation that no variances are required with respect to the use and therefore no use variance is required, the proposed renovation of less than 4,000 square feet of a commercial structure constitutes a Type II action under SEQRA and requires no environmental review.

The Board discussed each of the remaining variances separately.

With respect to the variance of Village Code §250-125(A)(8), to permit 16 on-site parking spaces, where a minimum of 30 spaces is required (accounting for 55 total spaces required upon the occupancy conversion and a variance for 25 off-site spaces having been approved previously), on motion by Mr. Piscione, seconded by Mr. Spindler, and adopted three votes in favor and Mr. Baessler and Mr. Miguez opposed, the Board granted the variance of Village Code §250-125(A)(8), subject to the conditions to be set forth in the Board's findings, including that there shall be valet parking at all times that the restaurant is open and that the valet attendant attend to customers and vehicles only on the premises for vehicles or persons accessing the premises via Ithaca Street or leaving the premises via the parking lot.

With respect to the variance of Village Code §250-125(D)(3), to provide a parking aisle width of 22 and 13 feet, where a minimum of 24 feet is required, on motion by Mr. Spindler, seconded by Mr. Piscione, and adopted three votes in favor and Mr. Baessler and Mr. Miguez opposed, the Board granted the variance of Village Code §250-125(D)(3), subject to the conditions to be set forth in the Board's findings, including that there shall be valet parking at all times that the restaurant is open and that the valet attendant attend to customers and vehicles only on the premises for vehicles or persons accessing the premises via Ithaca Street or leaving the premises via the parking lot.

With respect to the relief sought with respect to Village Code §250-125(F), in that no parking space is permitted in a front yard, except where the Board of Zoning Appeals grants a special exception, on motion by the Chair, seconded by

Mr. Spindler, and adopted four votes in favor and Mr. Baessler opposed, the Board granted the special exception to permit parking spaces in a front yard.

With respect to the relief sought with respect to Village Code §250-108, to permit HVAC rooftop equipment, where such structure requires a special exception from the Board, on motion by Mr. Piscione, seconded by the Chair, and adopted unanimously, the Board granted the special exception to permit the proposed relocation of the HVAC rooftop equipment.

The aforesaid determinations will be set forth in findings to be adopted by the Board.

There being no further business, the meeting was adjourned at 7:50pm.

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GEORGE CORNISH

Filed in the Office of the Village Clerk  
on December \_\_, 2025

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Emily Siniscalchi, Village Clerk