

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING
March 10, 2020 at 6:30 p.m. - MINUTES**

Call to Order: 6:33 p.m.

Pledge of Allegiance: John DiLeo

Attendance: Jeremy Devine, John Di Leo, Jerry Volpe, Joseph Zimbardi, Patrick Gibson - Chair, Sharon Abramski – Village Clerk, Jeffrey Blinkhoff – BZA Attorney; Andrew Levenbaum - BZA Engineer.

EXECUTIVE SESSION:

- *Jerry Volpe moved to enter into Executive Session at 6:34 p.m.; seconded by John DiLeo; unanimously carried.*
- *Jeremy Devine moved to close the Executive Session; seconded by John DiLeo; unanimously carried.*

APPLICATIONS BEFORE THE BOARD:

Z595 - 59 Orchard Beach Boulevard, Port Washington, NY, 11050, S-4, B-59, L-636 in Zone R4. (Continued hearing) Applicant, Pond Ridge Homes, originally seeking an abbreviated adjournment, was able to attend the hearing.

Board/Applicant Comments:

- Albert D’Agostino Esq., attorney for the applicant, explained the previously expected conflict for the evening and why he was able to attend after all. He stated that drawings addressing the BZA concerns had been submitted prior to the meeting. He also discussed the meeting which took place between Bill Rogel, Building Superintendent and the NYDEC. D’Agostino was seeking that public comment could be closed that evening. He would like to create a written summary with a period of time for the public to be able to see the document.
- Patrick Gibson asked if the document could be ready by early April, but D’Agostino felt they needed more time.
- Albert D’Agostino went on to discuss the flammable materials of the neighboring decks of the adjacent property. He also admitted to the delay of the requested survey.

Public Comment:

- Alice Aboody, said she will not stop until the terrace and elevator is removed. There should only be two levels, not three.
- Jeffrey Blinkoff, BZA attorney, asked that John Schimenti explain the most recent changes in the drawings that were submitted to the BZA.
- John Schimenti explained the changes including describing how stairs have been removed from the sides of the building, balconies were cut back, the entrance will now be in the front of the building, and the balcony will be cut back five (5) feet.
- Patrick Gibson asked about drainage problems. Schimenti answered that water will not affect properties to the sides of the building.
- Nick Marra complained that the applicant knew thirty (30) days ago that they needed to be in Manorhaven for the hearing. He claimed that he had looked at the new drawings and they “looked better.”
- Barbara Thermos said she has been coming for a year and asked exactly what the applicant will do. Gibson explained. She asked now the NYDEC felt about the revised drawings and said this situation has affected her family “day in and day out” and feels her property has “lost value” because of it.
- Gary Pagano asked how the new plans have affected the parapet. He feels there should be a rendering to show the public how the building will look after the revisions and asked that the public comment not be closed. Schimenti said that the parapet was cut back and is in compliance.
- Amy Prohaska agreed with Pagano, asking about a rendering and having the hearing left open. Marra also

agreed, but disagreed with “write-in” questions.

- Barbara Thermos said there was never a rendering and feels disrespected by the applicant.
 - Albert D’Agostino, Esq. said that the applicant had no problem creating a rendering, but the NYDEC matter was recent and just came up.
 - Andrew Levenbaum rebutted D’Agostino’s comment that the first survey matched the second; it did not. A lot was missing from the first survey.
 - Jeffrey Blinkoff, Esq. wanted to clarify how the NYDEC became involved. He feels it remains a serious matter to the Village. The rendering should be submitted in the same timeframe as the summation.
 - Bill Rogel, Building Superintendent, explained how the NYDEC became involved. The village was contacted by the NYDEC and tasked by FEMA to review flood insurance programs. They asked to do a site visit to 59 Orchard Beach Blvd. They commented that the building needed to be built on pilings and was not up to FEMA standards. They also looked at other projects.
 - A discussion took place between all present and it was decided to receive a full rendering of all four sides of the building as well as showing the dimensions of the overhangs.
 - Peter Marella, a resident, asked about the process. If the building has to be on pilings, what happens next? Rogel commented that this is the reason why the Village needs to know how the FEMA concern will be addressed. D’Agostino commented that he was unclear on the process as well.
 - Jeffrey Blinkoff reiterated that the applicant can address these matters as they feel are applicable, but wanted to reiterate that he wanted the summation and rendering of the building.
- John DiLeo moved to close public comment; seconded by Jeremy Devine; unanimously carried.
- Joe Zimbardi moved to adjourn to April 14 at 6:30 p.m. with a summation to be submitted to the BZA by April 7; seconded by Jeremy Devine; unanimously carried.
- Jeremy Devine moved to take a brief recess; seconded by Joe Zimbardi; unanimously carried.
- Jeremy Devine moved to resume at 8:36 p.m.; seconded by Jerry Volpe; unanimously carried.

Z600 -87 Sands Point Road, Port Washington, NY, 11050, S-4- , B-75, L- 76,77,78 in Zone R2. Applicant, Jing Xie for Ledimar Nika, owner, seeks variances: (1) Section 155-14(B) which provides that the minimum lot width shall be 40 feet and the proposed lot width is 39.84 feet wide. (2) Section 155-14(E) which provides that on an interior lot, the minimum side yard setback shall be six feet, with a minimum aggregate of 14 feet and the applicant proposes to construct a lower level deck and new egress stairs on the south side which encroach into the side yard up to property line. (3) Section 155-30(F) which provides that the maximum paved area in front yard shall not exceed 50% in a residential zone and the applicant proposes that the percentage of paved area in the front yard will be 95.5.

- Jerry Volpe moved to adjourn until April 14 at 6:30 p.m.; seconded by Joe Zimbardi; unanimously carried.

Z601 – 83 Sands Point Road, Port Washington, NY, 11050, S-4, B-75, L0-81, 82 in Zone R2. Applicant, Jing Xie for Sokol Nika, owner, seeks variances as follows: (1) Section 155-14(J) which provides that the maximum lot building coverage for a two-family dwelling shall be 25%, and the proposed (existing house, terraces and structures) calculates to 34.09% lot building coverage. This increases to 37.14% with the addition of the proposed egress platform, stairs and HVAC condenser platform. (2) Section 155-14(K) which provides that the total of building lot coverage and the area occupied by structures, terraces, paved yard areas, paved driveways and any other impermeable surface shall not exceed 50% of the area of the lot and the proposed total building lot coverage is 56.59%. (3) Section 155-14(M) which provides that no structure or accessory use may be located in the front yard and the applicant proposes to locate new basement egress stairs in the front yard. (4) Section 155-14(N) which provides that no structure or accessory use, other than a detached garage, as permitted, and the parking of vehicles (but not commercial vehicles), may be located in a required side yard setback and the applicant proposes to construct a new basement egress platform encroaches into south side yard to a distance 5 inches from the property line. Additionally, as per the supplied survey, the existing HVAC condensers located on the north side encroach completely into the side yard to a point where the property line bisects the northernmost condensing unit. The condenser platform which is proposed to be maintained encroaches into the side yard up to the north property line. (5) Section 155-30(F) which provides that the maximum paved area in front yard shall not exceed 50% in a residential zone while the applicant proposes that the percentage of paved

area in front yard will be 94.9%.

Board/Applicant Comments:

- Jing Xie, project manager, reviewed the remaining variances the applicant is seeking.
- Andrew Levenbaum, BZA engineer, said the site plan shows a discrepancy with the Town right of way. The applicant is not allowed to park in the 5 feet that belong to the Town. Only 15 feet of 20 feet is available for parking. The applicant would need to settle the discrepancy with the Town.
- Sikol Nika, applicant, stated that four (4) home in a row have the same layout for parking.
- Patrick Gibson asked Blinkoff about non-conforming problems. Blinkoff answered that the applicant would had to have had a permit if it was legal at that time.
- John DiLeo added that at that time there may have been more on street parking allowed.
- Jing Xie submitted original as built drawings from 1964 and they were marked as **Exhibit 1 – 3/10/2020**.

Public Comment:

- Jean Luc Samyn, a neighbor, stated that he is concerned that the lot is already overbuilt. He wants to know where the drainage goes, as he is getting water in his basement on Ashwood Road below the applicant's property.

- Jerry Volpe moved to adjourn until April 14 at 6:30 p.m.; seconded by Jeremy Devine; unanimously carried.

ADJOURNMENT:

- Joe Zimbardi moved to adjourn the meeting at 8:55 p.m.; seconded by John DiLeo; unanimously carried.

*** The next BZA Meeting is April 14, 2020 at 6:30 p.m.**

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer, Secretary to the BZA
Dated: March 10, 2020