

**INC. VILLAGE OF MANORHAVEN  
BOARD OF ZONING  
NOVEMBER 14, 2017 – 7:00 P.M.  
MINUTES**

**Call to Order:** 7:02 p.m.

**Pledge of Allegiance:** Donald Badeczewski

**Attendance:** Jerry Devine, Dominick Masiello, Frank Ottaviani, Dan Renna, Patrick Gibson- Chair, Sharon Abramski - BZA Clerk, Jeffrey Blinkhoff - BZA Attorney, Andrew Levenbaum - BZA Engineer.

**Executive Session:**

- *Motion to enter into Executive Session at 7:03 p.m. by Jerry Devine; seconded by Dominick Masiello; motion unanimously carried.*

- *Motion to close Executive Session at 7:25 p.m. by Jerry Devine; seconded by Frank Ottaviani; motion unanimously carried.*

**Z575 – 4 Manhasset Avenue**, Port Washington, NY, Section 4, B-82, L-1 in Zone R-1. Applicant seeks a variance from section 155-12 (D) (1) to maintain a daycare center/school in a residential zone. The proposed work is to change the current Occupancy from Group F (factory) to Group E (educational).

**Board/Applicant Comments:**

- *Motion to adjourn Z575 to December 12, 2017 by Jerry Devine; seconded by Frank Ottaviani; motion unanimously carried.*

**Z576– 76B Juniper Road**, Port Washington, NY 11050, S-4 B-040 L-68-71, 169, 269 in Zone R-1. The applicant seeks: (1) a variance of section 155 – 13.1 (A) of the Village Code to maintain a lot having an area of approximately 2881.9 ft.<sup>2</sup> when the minimum lot permitted by the Code is 4000 ft.<sup>2</sup>; (2) a variance of section 155 – 13.1 (B) of the Village Code to maintain a lot of an irregular shape in which the lot width reduces to 6.235 at feet, when the minimum lot width permitted by the Code is 40 feet; (3) a variance of section 155 – 13.1 (E) of the Village Code to maintain a side yard setback on an interior lot of 6.35 feet for the south side yard, 0 feet for the north side yard, and 6.35 feet in the aggregate, when the minimum side yard setback on an interior lot required by the Code is 6 feet, with a minimum required aggregate of 14 feet; (4) a variance of section 155 – 13.1 (F) of the Village Code to maintain a rear yard setback of 10.66 feet when the minimum rear yard setback permitted by the Code is 20 feet; (5) a variance of section 155 – 13.1 (J) of the Village Code to maintain a property having an approximate area with a lot coverage of 49.93% when the maximum lot and building coverage permitted under the Code for a two-family dwelling is 25%; (6) a variance of section 155 – 13.1 (K) of the Village Code to maintain a total amount of building lot coverage in conjunction with the area occupied by structures, terraces, paved yard areas, paved driveway areas and any other impermeable surface of 52.75%, when the maximum area permitted to be covered under the Code is 50%; (7) a variance of section 155 – 13.1 (L) of the Village Code to permit there to be no parking spaces provided on the subject property when the Code requires that each a single family dwelling unit shall have at least 2 on-site parking spaces for occupant use, and each two-family dwelling unit shall have at least 3 on-site parking spaces for occupant use.

**Board/Applicant Comments:**

Anthony Piacentini, Esq. spoke for the applicant. Issues beyond the scope of the Board:

A. Property needs subdivision; B. Property includes a retaining wall on Village Property; C. Needs a determination from Sands Point; D. Missing the current survey; E. Compliance Issue/Notice of Disapproval.

- *Motion to adjourn Z576 to December 12, 2017 by Jerry Devine; seconded by Dominick Masiello; motion unanimously carried.*

**Z567 – 12 Manorhaven Blvd.**, Port Washington, NY, known on the Nassau County Land and Tax Map as Section 4, Block H, Lot 70. The applicant, Manorhaven Blvd. 12, LLC, is **a.** Seeking a variance from section 155-36 of the Village Code in order to erect a roof on an accessory structure with a proposed height of 28' and 1-7/16" where the maximum roof height permitted is 15'; and **b.** Seeking a special use permit to maintain a salt storage shed in zone E-1 of the Village where a salt storage shed is not listed as a permitted use in zone E-1 under section 155-24 of the Village Code; and **c.** Seeking to maintain a salt storage shed with a pre-fabricated fabric cover (roof) on the subject property located at 12 Manorhaven Boulevard, Port Washington, NY. The canopy size is 56.2' x 40', height is 28'.2". Total square footage to be covered by the canopy is 2,248 square feet.

Board/Applicant Comments: The BZA Board will not make a decision until the last transcript is reviewed by all members.

Howard Avertine, Esq. spoke on behalf of the applicant. He gave the history of the Dejana s plowing and sweeping business and discussed their existing DEC permits. He presented the following exhibits to be included in his application:

Exhibit 1 – Stormwater discharge permit GP-012-001;

Exhibit 2 – 11/16/2015 Letter from Ryan P. Waldron, Permit Coordinator from the DEC;

Exhibit 3 – Salt Storage Permit of 12/1/2014. Avertine explained the applicant's Storm Water Prevention Plan (SWIP), current salt conditions on site, reasons for their application, and discussion of the actual structure. He introduced expert witness Frank Genese to discuss salt shed structure;

Exhibit 4 – Aerial and ground views of structure location with before and after photos. Genese stated that the structure will not be visible from any locations in the area or from Sintsink Drive East.;

Exhibit 5 – Study of Structure;

Exhibit 6 – Photo of existing conditions; Avertine called on a second expert witness, Carrie O'Farrell of Nelson, Pope & Voorhis. She explained DEC determinations and that best management practices warranting a cover for the salt, a mitigation measure to improve and lessen environmental impacts. ***The BZA requested a PDF version of the SWIP plan.***

Exhibit 7 – Boundary & Topographical Survey of the applicant's property;

Exhibit 8 – Zoning Map of Pre-Existing I1 & I2;

Exhibit 9 – Chapter 155 – Zoning, current Manorhaven Local Law;

Exhibit 10 – FEMA Flood Map of the Dejana Facility – in ZONE X (.2% annual chance of a flood.)

**Public Comment:**

- *Jessica Medina doesn't want a salt facility in Manorhaven; BZA – owners have certain rights to use property as they always have;*

- *Rae Black – Question whether there would be an increase in Salt storage; BZA – no there would not be an increase in salt storage;*

- *Drew Haagenson wanted the history of the Dejana property; **Avertine will research exact date of purchase and start of salt operation and will present it to the BZA Board;***

- *Lucretia Steele made accusations of non-compliance of the applicant, which were proven incorrect by the applicant's attorney;*

- *Raju Rojun had a question about salt content;*

- *Caroline Dubois presented a photo of the salt pile from the back of the nail salon facing the Dejana property. She would like a DEC inspection;*

- *Maria Carpinelli had a question about the height of the roof and the variance;*

- *Dorit Zeevi-Farrington feels that the top of the structure would be seen from neighboring apartment buildings. Asked if it could be brought before the Board of Trustees; Village Attorney Blinkoff explained that the BZA does not have the authority to bring BZA matters to the Board of Trustees;*

- *Patricia McGrath wanted definition of non-conforming use;*

- *Nick Marra had BZA Board member questions and commented that this application was a matter of safety, not aesthetics.*

- *Laurie Costa asked they not allow more than 26 feet;*

- *Mike Masiello also asked the BZA to consider lowering the height to 26 feet and to investigate materials*

*that are impervious to salt.*

**- Motion to adjourn hearing to January 16, 2017 by Jeremy Devine; seconded by Frank Ottaviani; motion unanimously carried.**

**Z568 – 48 Ashwood Road**, Port Washington, S-4 B-75 L-p/o 31, 224, 225 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; and (2) section 155-13.1(E) under which the permitted side yard setback is 6 feet and 5 feet is proposed; (3) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 27.87% is proposed; and (4) 155-13.1(K) under which 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 where 71.8% is proposed.

**569–50 Ashwood Road**, Port Washington, NY, S-4 B-75 L-p/o 31, 32, 33 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; (2) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

**Z570 –52 Ashwood Road**, Port Washington, NY, S-4 B-75 L-p/o 33, 34, 35, and 36 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; (2) Section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

**Z571 – 54 Ashwood Road**, Port Washington, NY, S-4 B-75 L-p/o 36, 37 and 38 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; (2) Section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

**Z572 – 56 Ashwood Road**, Port Washington, NY, S-4 B-75 L-40, 39, P/O 38 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; and (2) Section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

**Board/Applicant Comments:**

Peter Mineo, Esq. attorney for the applicant, requested an adjournment to December 12, 2017 for further research on the Sands Point Rd. properties and discussions with the Fire Department.

**Public Comment:**

*- Gary Maynard discussed former erosion concern from 50 years ago; Paul Russo, architect for the applicant clarified that there were no current erosion issues.*

**- Motion to adjourn hearing to December 12, 2017 by Jeremy Devine; seconded by Frank Ottaviani; motion unanimously carried.**

**Adjournment:**

**- Motion to adjourn at 10:15 p.m. by Jeremy Devine; seconded by Frank Ottaviani; motion unanimously carried.**

SHARON NATALIE ABRAMSKI, RMC, CMC  
Village Clerk-Treasurer-Secretary to the BZA  
Dated: November 14, 2017  
Manorhaven, New York