

**INC. VILLAGE OF MANORHAVEN  
BOARD OF ZONING MINUTES  
February 13, 2018 – 7:00 P.M.**

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

**Pledge of Allegiance:** Jeremy Devine

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

**OPENING COMMENTS:**

**Z575 – 4 Manhasset Avenue,** Port Washington, NY, Section 4, B-82, L-1 in Zone R-1 is postponed to March 13, 2018.

**Z576 – 76B Juniper Road,** Port Washington, NY 11050, S-4 B-040 L-68-71, 169, 269 in Zone R-1 is postponed to March 13, 2018.

**EXECUTIVE SESSION:**

- *Motion to enter into executive session at 7:03 p.m. by Jeremy Devine; seconded by Dan Renna; motion unanimously carried.*
- *Motion to close executive session at 8:00 p.m. by Jeremy Devine; seconded by Dan Renna; motion unanimously carried.*

**APPLICATIONS BEFORE THE BOARD:**

**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 on Z567:**

- Howard Avertine, Esq., attorney for the applicant, noted dates that Dejana acquired various lots between the years 1975 – 1993. He also discussed the I3 zone of 1975 that was later changed to zone E1.
- The BZA Board determined that the salt storage shed on this application was a major, integral part of Dejana Industries, a primary structure, and felt it should not be classified as an accessory structure as deemed by John Amisano, the acting Building Superintendent at that time. This would change the variance from the allowable 26 feet to a request for an additional 2 feet as the variance.
- Frank Genese, architect for the applicant, discussed measurements for height against the crest of the adjoining street.

**Public Comment on Z567:**

- *Caroline Dubois asked when salt storage began. Howard Avertine noted that the storage of salt and sand began in the 1970s and was still permitted in the 1990s when the last lot was purchased. She also inquired whether an investigation led to the application for the salt shed cover. - Carrie O’Farrell, architect, noted that industrial storm water permits recommended a cover for the salt shed. - Howard Averine stated that the new business owner was acquired to continue with the same purpose regarding use of the land.*
- *Barbara Rumenapp wanted an explanation of the difference between a variance and special use permit and asked about other structures. – Avertine clarified.*
- *Jessica Copquin asked if the extra 2 feet were necessary. Frank Genese explained the height variance necessity to get machinery into the structure. He felt the structure would not be visible from most locations and presented diagrams of the structure as seen from various locations on Sintsink Drive East.*

- Patrick Abramski asked what materials the structure will be made from and what colors were available. He asked if they could color match the structure to blend in with the environment. – Frank Genese stated that the structure would be vinyl and they could definitely select colors to blend with the surroundings.
  - Jens Rumennapp had a question about the amount of salt stored. – The Board stated that amount of salt stored was not a BZA concern for this application.
  - Mike Masiello/Patrick Abramski wanted to know if 1. There was a survey that shows the elevation of the slab; 2. What was the elevation of the nearest street and 3. Which street would be used to measure the elevation? – Carrie O'Farrell noted that it would be measured from Manorhaven Blvd. and the specific height was essential for operations for pay loaders and dump trucks.
  - Caroline Dubois asked for a clarification of primary structure versus accessory structure. The BZA Board clarified.
- A Motion was made to close public comment by Jeremy Devine; seconded by Dan Renna; motion unanimously carried.

**Board/Applicant Comments on Z567:**

- Village BZA Attorney, Jeff Blinkoff recommended to the Board that they be listed as the lead agency (SEQRA). Jeremy Devine proposed the motion; seconded by Dan Renna; unanimously accepted.
- A motion was made by Jeremy Devine; seconded by Dominick Masiello and unanimously accepted to approve the special use variance with the following exceptions:
  1. Any changes to the existing grades;
  2. Any new use of the property must come before the Board with regard to the 2 foot variance;
  3. Color must blend with the environment when before the ARB Board;
  4. This acceptance is subject to the approval of written decision by the BZA attorney on the plans as submitted.

**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 29.79% 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 75.3% is proposed.

**Z569–50 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 on Z568, Z 569, Z570, Z571, Z572:**

- Paul Russo presented a site plan with parking and signs to the Board

**Public Comments Z568, Z 569, Z570, Z571, Z572:**

- *Mike Masiello* asked where hydrants are on Ashwood and Sands Point Roads. He asked about the radius for usage for the hydrants. He asked that the Board consider those safety issues. He also questioned the off street parking spaces.

- *Motion to close public comment by Jeremy Devine; seconded by Dominick Masiello; motion unanimously carried.*

**Board/Applicant Comments on Z568, Z 569, Z570, Z571, Z572:**

- Discussion regarding 1/22/2018 letter from Bill Rogel, Building Superintendent, regarding fire apparatus access roads, fire lanes and driveways. The BZA agreed with Mr. Rogel that the private road is not a fire access road; therefore Ashwood Road will remain the fire apparatus access road for Ashwood Road dwellings & Sands Point Road will remain the fire apparatus access road for Sands Point Road dwellings. A question was raised as to whether a transcript was sufficient to Code Enforcement and the Police authority to act. Law 1640A

- *Village BZA Attorney, Jeff Blinkoff recommended to the Board that they be listed as the lead agency (SEQRA), with no environmental impact.*

*Jeremy Devine proposed the motion; seconded by Dominick Masiello; unanimously accepted.*

- *A Motion was made by Dominick Masiello; seconded by Jeremy Devine and unanimously accepted to approve the special use variances with the following exceptions:*

1. Acceptance was pursuant to all traffic and fire safety issues being addressed and accepted by the Board of Trustees subject to the written Decision presented to them by Village BZA Counsel.

**ADJOURNMENT:** 9:55 p.m.

- *Motion to close the meeting by Jeremy Devine; seconded by Dominick Masiello motion unanimously carried*

SHARON NATALIE ABRAMSKI, RMC, CMC  
Village Clerk-Treasurer-Secretary to the BZA  
Dated: February 13, 2018  
Manorhaven, New York