

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING
33 Manorhaven Blvd. Port Washington, 11050
March 12, 2019 at 7 p.m. - MINUTES**

Call to Order: 7:02 p.m.

Pledge of Allegiance: Silvio DiLucia

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.

REQUESTS FOR ADJOURNMENTS:

ADJOURNED UNTIL FURTHER NOTICE:

Z-575 4 Manhasset Avenue, Port Washington, NY, 11050, S-4, B-82, L-1 in Zone R-1. Applicant seeks a variance from section 155 – 12(D)(1) of the Village Code 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).

REQUEST FOR ADJOURNMENT TO APRIL 16:

Z587 – 55 Sintsink Drive West, Port Washington, NY 11050, Section 4, Block L, Lots 6,7, Residential Zone R-1: Applicant seeks variances of the Village Code as follows: (1) a variance of section 155 – 13.1 (J) of the Village Code which provides that the maximum lot building coverage for a one-family dwelling shall be 28% with the proposed building lot coverage to exceed that amount; (2) a variance of section 155 – 13.1(F) of the Village Code which provides that the minimum rear yard setback shall be 20 feet with the proposed setback to be less than the permitted amount; (3) a variance of section 155 – 13.1(K) of the Village Code 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 with the proposed total to be in excess of 50% of the area of the lot.

- Motion to adjourn this matter until April 16 by Jeremy Devine; seconded by Jerry Volpe; motion unanimously carried.

REQUEST FOR ADJOURNMENT TO APRIL 16:

Z-589 5A Sintsink Drive East, Port Washington, NY 11050, S-4 B-39 L- 32 in Zone E1. Applicant Henderson Ave. Corp/ William Ventura seeks to convert an existing building into two separate occupancies with one being a kennel and the other being office space with a low hazard storage area, and specifically seeks: (1) a special use permit pursuant to section 155 – 20 of the Village Code in order to maintain a kennel and low hazard storage accessory to office space in the E-1 Residential Zone where the same is not a permitted use; and (2) a variance of section 155 – 46 of the Village Code under which 11 off-street parking spaces are required and the applicant proposes to include no off-street parking spaces.

Motion to adjourn this matter until April 16 and re-notice for a use variance by Jeremy Devine; seconded by John DiLeo; motion unanimously carried.

APPLICATIONS BEFORE THE BOARD:

Z-590 10 Dunes Lane, Port Washington, NY, 11050, S-4, B-103, L-27 in zone R-1. Applicant seeks a variance from section 155 – 13.1(J) of the Village Code to construct a two-family dwelling where the proposed building would have a lot coverage of 29.59% when the maximum permitted under the Village Code is 25%.

Board/Applicant Comments:

- Anthony Piacentini, Esq. attorney is seeking a decision for Z590.

- Motion to close public comment by Jeremy Devine; seconded by Joseph Zimbardi; motion unanimously carried.

- Motion was made to accept the application, but to be sensitive to the neighbor's landscaping requests, and

to designate it as a SEQRA Type II Action by Jeremy Devine; seconded by John DiLeo; unanimously carried.

EXECUTIVE SESSION:

- Motion to Enter into Executive Session to seek legal advice at 7:05 p.m. by Joseph Zimbardi; seconded by John DiLeo; motion unanimously carried.

- Motion to Close into Executive Session at 7:20 p.m. by Jeremy Devine; seconded by Jerry Volpe; motion unanimously carried.

Z-592 55 Kirkwood Road, Port Washington, NY, 11050, S-4, B-42, L-151 in zone R-1. Applicant seeks a variance: (1) from section 155 – 13.1 (L) of the Village Code in order to construct a two – family house with only two parking spaces when under the Village Code three on-site parking spaces are required for occupant use; (2) from section 155 – 30 (F) of the Village Code in order to include paved area in the front yard of the subject property covering 57.19% of the front yard when the Village Code provides that the maximum paved area in the front yard shall not exceed 50% in a residential zone; and (3) from Section 155 – 35 of the Village code in order to construct two emergency escape and rescue opening window wells which will project into the required side yard by 3.36 feet when the same are not permitted to encroach into required yards.

Board/Applicant Comments:

Todd O’Connell, Architect spoke on behalf of the applicant. He noted that this lot presents challenges, one being parking, but they are willing to use permeable pavers to mitigate environmental concerns. He is planning to add window in the basement and window wells in the basement to provide light. He said the chimney would be removed.

Andrew Levenbaum, BZA Engineer corrected measurements shown on the survey.

PUBLIC COMMENT:

- Silvio DiLucia – 53 Kirkwood is not happy about a two-family home being built next to his home. The applicant has promised to fix the damaged fence.

- Mike Masiello questioned whether it was legal to have an apartment below street level. Andrew Levenbaum addressed his questions.

- Motion to adjourn to April 16 by Jeremy Devine; seconded by Jerry Volpe; motion unanimously carried

Z-593 166 Shore Road, Port Washington, NY, 11050, S-4, B-H, L-29 in Zone C-3. Applicant seeks a special use permit from the Board of Zoning Appeals pursuant to Section 155 – 20 A (1) of the Village Code in order to construct a restaurant or other eating facility; and Applicant also seeks a variance of Section 155 – 46 of the Village Code under which five off-street parking spaces are required and Applicant proposes to include two of-street parking spaces.

Board/Applicant Comments:

- Michael Sahn, Esq. spoke on behalf of the applicant. He explained that they plan to have a table for three and store hours of 10 a.m. to 6 p.m. since it is deemed a restaurant, or place of public assembly, it needs a special use permit. Sahn felt it would be more of a retail store than a restaurant.

- John Amisano, Architect reviewed the site drawings for the proposed “bake shop” and explained entrances and parking.

- John DiLeo commented that a dental office used to occupy that space.

- Joseph Zimbardi felt it will be popular with cars trying to stop by to pick up a cupcake.

- Jeffrey Blinkoff, Esq. reviewed the items needed to receive special use permits.

PUBLIC COMMENT:

- Michelle Cella, co-owner of 164 Shore Road, spoke about parking and exit problems when entering and exiting her property. She gave the history of ownership of the buildings to each side of her and her ongoing problems with the owner, Augie DeFeo, of the buildings on each side of her existing store. She has had to pay that owner to exit the parking lot from her building. She noted that her parking spaces cannot be utilized by this applicant's customers.

- Patrick Gibson noted that the applicant had not suggested that her customers would be using her spots, but understood her concerns.

- Mike Masiello feels anything is better than an empty store. He noted that Dunkin Donuts was not allowed to have tables due to limited parking.

- Erika Tiger, applicant, She feels that by not selling coffee during rush hour, she is making a sacrifice and will mention the exit situation to her future landlord.

- Richard Apat, Esq. is currently representing the Cella's in a court case regarding the restricted exit. "DeFeo does not put up blockades as long as tenants are in place." Apat presented two exhibits. Exhibit 1, aerial view of the property, and Exhibit 2 – Photos of the blocked exits.

- Patrick Gibson asked if the chain link fencing between the properties would be removed between 164 and 166 Shore Road.

- Mita Suyhe, owner of the Vegetable/Fruit market, noted that parking is a problem and people don't come in. The lot is big, but they can't back up. Cars are a problem.

- *Motion to declare this application as SEQRA Type II, and the BZA as the lead agency by John DiLeo; seconded by Jeremy Devine; motion unanimously carried.*

- *Motion to adjourn until April 16 by Joseph Zimbardi; seconded by John DiLeo; motion unanimously carried.*

ADJOURNMENT:

Motion to close the meeting by John DiLeo; seconded by Jerry Volpe; motion unanimously carried.

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer, Secretary to the BZA
Dated: March 12, 2019