

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING MINUTES
November 19, 2018 – 6:30 p.m.
33 Manorhaven Blvd. Port Washington, 11050**

Call to Order: 6:30 p.m.

Pledge of Allegiance: Jeffrey Blinkoff, Esq.

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

EXECUTIVE SESSION:

- Motion to go into Executive Session at 6:31 p.m. by John DiLeo; seconded by Jerry Devine; motion unanimously carried.

- Motion to close Executive Session at 6:52 p.m. by Jerry Devine; seconded by Joe Zimbardi; motion unanimously carried.

APPLICATIONS BEFORE THE BOARD:

Z583 – 41 Dunwood Road, Port Washington, NY 11050, Section 4, Block 78, Lot 62 -64 in Zone R1. Manhasset Ave. Inc., as the applicant seeks: 1. a variance of Section 155 – 13.1 (J) of the Village Code in order to exceed the maximum building lot coverage for a two-family dwelling. The maximum permitted under the Code is 25% and the applicant proposes a building lot coverage of 27.87%.

Board/Applicant Comments:

Anthony Piacentini, Esq., noted that this structure is identical to 59 Hickory, which was recently approved. Chairman Gibson interjected that the BZA Board does not acknowledge precedents.

John Amisano, architect for the applicant, discussed the two items which the BZA Board asked to revise, namely the doors, which were not visible from the street, and the walkways (pervious pavers) up to the apartments. Those changes were made and given previously to the Board.

Jerry Devine asked if the property would be excavated due to the slight slope. Amisano answered no.

Joseph Zimbardi asked for a clarification of the parking spots.

PUBLIC COMMENT:

- Robert O'Brien applauded the excellent drainage on the property.

- Motion to close public comment by John DiLeo; seconded by Jerry Volpe; motion unanimously carried.

- Motion to accept application by Joe Zimbardi; seconded by Jerry Volpe; motion unanimously carried.

Z585 – 15 Firwood Road, Port Washington, NY 11050, Section 4, Block 68, Lot 72-73 in Zone R1. Putnam Developers, Inc. as the applicant seeks a variance of Section 155-13.1 (J) of the Village Code in order to exceed the maximum building lot coverage for a two-family dwelling. The maximum permitted under the Code is 25% and the applicant proposes a building lot coverage of 28.02%.

Z586 – 17 Firwood Road, Port Washington, NY 11050, Section 4, Block 68, Lot 74-75 in Zone R1. Putnam Developers, Inc. as the applicant seeks a variance of Section 155-13.1 (J) of the Village Code in order to exceed the maximum building lot coverage for a two-family dwelling. The maximum permitted under the Code is 25% and the applicant proposes a building lot coverage of 28.02%.

Board/Applicant Comments:

- *Motion for both 15 and 17 Firwood to be heard together by Jerry Devine; seconded by John DiLeo; unanimously carried.*

Thomas Pantelis, Esq., attorney for the applicant presented the Planning Board Decision of 9/5/2018 which accepted the application for sub-division of 15 Firwood as part of the record. He noted that the legal notice stated a 28.02% variance request, but the bay windows were pulled back to comply with a 28% variance.

John Amisano, Architect, explained the drawings associated with each home. He noted that would include a 3 ft. walkway for each unit by shifting the driveways. He also commented on the extra 3% variance Request assists in bedroom size for normally sized furniture.

Chairman Gibson noted that they would be postponing their approval until they had Amisano's updated drawings reflecting the walkway and driveway changes.

PUBLIC COMMENT:

- *Robert O'Brien questioned the existing parking on the property and questioned the 25% vs. 28% allowance. Attorney Blinkoff explained. He feels that the impact of the job is not being taken into full consideration, because it will go from two families to four families.*

- *Jerry Devine pointed out that this application is in compliance as it shows 3 parking spots as required.*

- *Chairman Gibson argued that the Planning Board already approved the sub-division. This is not about whether to allow 2 two-family homes.*

- *Robert O'Brien objects to any further building of two-family homes and would like to see a moratorium. Blinkoff explained that this is beyond the BZA's jurisdiction. O'Brien left in frustration over the entire approval process.*

- *Motion to adjourn to December 11 at 6:30 p.m. at the Port Washington Senior Center by Jerry Devine; seconded by Jerry Volpe; motion unanimously carried.*

Z587 – 55 Sintsink Drive West, Port Washington, NY 11050, Section 4, Block L, Lots 6 & 7 in Zone R1. Applicant Brooke Balterman wishes to legalize two-story high deck erected without a permit. The applicant seeks the following variances of the Village Code: 1. 155-13.1 (J) The maximum lot building coverage for a one-family dwelling shall be 28%. Building coverage shall include the principal building, including attached or detached porches and decks extending more than two feet above average finished grade and attached or detached garages and all other accessory uses. Proposed: At least 30.27%-- which calculation includes the building (829.195 ft²) and deck (411.81 ft²) but does not include stairs because dimensions were not provided. Stairs two feet above grade must be included in final area calculation. 2. A possible variance from section 155-13.1(F) which requires that the minimum rear yard setback shall be 20 feet. Plans given do not specify whether the rear stairs to deck encroach onto the required rear yard setback. 3. A possible variance from section 155-13.1 (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. It appears the property exceeds the 50% building lot threshold, but an exact figure cannot be determined as the area of the driveway and concrete walk has not been specified on the plans submitted.

Board/Applicant Comments:

- Brooke Balterman, applicant spoke to the BZA Board. She introduced her architect James Zapka of Todd O'Connell Architects.

- Attorney Jeff Blinkoff reviewed the Superintendent's denial letter point by point with the applicant and told them that information was missing.

- Andrew Levenbaum, BZA Engineer, noted that the documents they handed out this evening were not helpful as they did not include all of the dimensions needed to calculate accurate areas, and setbacks were not signed and sealed by a licensed surveyor. Determinations cannot be made on approximations. The Baltermans said they did not see the denial details before this evening as they were sent to their agent, James Zapka. Blinkoff suggested that they work with the Superintendent so they could get some help and get an adjusted denial letter.

PUBLIC COMMENT: No Public Comment

- *Motion to postpone hearing to January 15, at 6:30 p.m. by Jerry Devine; seconded by Jerry Volpe; motion unanimously carried.*

ADJOURNMENT: 8:00 p.m.

- *Motion to close the meeting by Joe Zimbardi; seconded by John DiLeo; motion unanimously carried.*

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer, Secretary to the BZA
Dated: November 19, 2018
Manorhaven, New York