

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING
September 17, 2018 – 7:00 p.m. - AGENDA**

Call to Order: 7:10 p.m.

Pledge of Allegiance: Mr. Capobianco

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

APPLICATIONS BEFORE THE BOARD:

Z581 – 68 Sagamore Hill Drive, Port Washington, NY 11050, S-4 B-L L-606 in Zone R-1. Port Park Properties, LLC, as 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 building lot coverage of 28.1%

Board/Applicant Comments:

- Applicant Scott Seeman appeared before the BZA to request an adjournment to October 16.

- *Motion to accept request for an adjournment by Jerry Devine; seconded by Jerry Volpe; unanimously carried.*

Z582 – 22 Sagamore Hill Drive, Port Washington, NY, 11050, S-4 B-39 L- 1-10, 56-58 in Zone E1. Applicant Secatoag 20-26, LLC proposes to construct 2 mixed-use buildings having 9 residential units and 2 commercial units per building, and seeks: (1) a special use permit seeking mixed-use development in the E-1 zoning district in accord with section 155 – 24 (A)(22) of the Village Code; ~~(2) seeks a variance or permit to allow for residential access through a nonresidential use when pursuant to the Village Code section 155 – 24 (A)(22)(c) the residential and nonresidential uses in a mixed-use building shall have separate means of access except that the Board may, at its discretion approve the use of a common lobby or plaza;~~ (3) seeks a variance of section 155 – 24 (C)(2) under which buildings shall not exceed 26 feet and 2 stories in height as measured from the established street grade adjoining the property in order to construct a building of 52.083 feet in height, not including the elevator bulkhead which adds an additional 4 feet to the building height; (4) seeks a variance of section 155 – 24(C)(6) in order to allow for minimum front yard setbacks of less than the required 20 feet, with a 10 foot front yard setback requested a front yard setback for the “West” building, and a 5 foot front yard setback at the “North” building; (5) seeks a variance of section 155 – 34 (A) of the Village Code which requires that in all cases where flat roof construction is used and there is no ridge, that there shall be an average airspace of 18 inches between the ceiling beams and roof beams to instead allow that there will be no 18 inch space as required with the ceiling beams and roof beams being the same portion of the proposed structure; ~~(6) seeks a variance of section 155 – 36 (A) of the Village Code which requires that accessory structures shall not exceed 15 feet in height and instead proposes to construct a gazebo with no specified height;~~ (7) seeks a variance of section 155 – 38 of the Village code which prohibits buildings of wood frame or metal-skin construction in any commercial or industrial district to instead propose the construction of a building where no construction method is specified; ~~(8) seeks a variance of section 155 – 45 (I) of the Village Code which requires that in a commercial or industrial district, the entire parking space area, except entrances and exits, shall be screened from outside view by landscaping property borders to instead propose no landscaping screening in the provided site plan;~~ (9) seeks a variance of section 155 – 45 (J) of the Village Code which requires that in commercial or industrial districts each off-street parking area shall have an area of not less than 10’ x 20’, with access drives or aisles, in usable shape and condition of not less than 20 feet, to instead propose parking spots with varying sizes and out of conformance with the required dimensions; (10) seeks a variance of section 155 – 46 of the Village Code which requires 104 off-street parking spaces to instead allow for 40 off-street parking spaces.

Board/Applicant Comments:

- Howard Avrutine, Esq. spoke on behalf of the applicant. He reviewed the current application and history of the property noting that they would be withdrawing variance requests #2, #6 and #8 from their application. He presented **Exhibit 1**, a rendering of the proposed units to be called *Sagamore Manor North* and *Sagamore Manor West*, which would be located in an E1 zoning district. He discussed each variance requested and noted that the first level would be commercial space for offices or small retail businesses.

- David Mammina, Architect/Engineer from H2M Engineers, discussed some of the structural items such as: an 18" airspace on a flat roof building, wood frame vs. metal skin construction, fire alarms, structure to be a 4 story building with a 5th floor with an elevator in the middle section, a front yard setback of 5 ft. on on Sagamore Manor North on Sagamore Hill Drive, a review of the floor plans for each building, a review of the roof deck, drawings and floor plans.

- Dr. Martin Cantor, CPA and economist served as an expert witness for the applicant. He discussed his forecasted impacts on the Village. He felt mixed used buildings create job opportunities, and an increase in property value and tax income. He noted that this number of residents should be easily absorbed by the Village. Member Jerry Devine questioned his tax and job forecasts.

- Barry Nelson, a licensed real estate broker and appraiser, appeared on behalf of the applicant. He discussed surrounding properties, the proposed project, mixed uses and the history of the zoning in that area. He distributed **Exhibit 2**, diagrams of the area surrounding the property. He noted that the applicant is trying to create value in that area. He understands that this may be a concern, but residential areas are several blocks away, except for Toms Point. He gave examples of other 3 to 4 story structures in Nassau County and feels that is becoming more common. He felt that the 18 residential units would not draw in families with school aged children.

- Sean Mulryan of Sean Mulryan Engineering, P.C. completed a traffic analysis for the applicant. He noted that the current residential parking codes in Manorhaven do not relate to mixed-use buildings with commercial property. The required 104 spaces would be excessive and felt 40 parking spaces would be adequate. He reviewed the traffic engineering report he completed for the applicant.

PUBLIC COMMENT:

- Tim Stammers, 8 Mohegan, questioned some of Sean Mulryan's traffic report calculations

- Caroline Dubois, 8 Dunes Lane, questioned who the owner of the property is. Howard Avrutine noted that Peter Dejana is the principal of the entity which owns the property. She also stated that she felt that a request to double the height of what is allowed in the Village is an arrogant request.

- Joseph Giuletti – Sagamore Hill Drive, asked if the Village really needs that extra \$28,000 in taxes that the buildings would generate.

- Gary Maynard feels that the variances are "out of hand" and that variances are supposed to be granted based on hardship.

- Tom Plominski, Toms Point Lane, noted that there is a fine line between what is acceptable and this is not.

- Bob O'Brien has the names of seventeen people that were waiting outdoors that do not want to see this project happen. He feels it is not suitable in Manhasset Isle and is in violation of the codes. He asked about how water and sewer usage would be effected.

- Bernadette Dolan – 35 Pequot, pointed out that retail space on Manorhaven Blvd. is empty and the spaces in these buildings would not be able to convert to residential units.

- Barbara Rumennapp, 35 Pequot, said, "Build something that follows the Code, build something else, or build someplace else." She feels it is not a viable project.

- Richard Thypin's family has been in the Village for over 60 years. He appeared to express his support for the project. He submitted a letter of support which the Clerk marked as **Exhibit 3**.

- Bruce Migatz, General Counsel for 1 Toms Point Lane, reviewed the application. He noted that the Toms Point Board of Directors are in favor of residential development in the area and would support a change of the current zoning to residential zoning. He feels the current local law is flawed. He mentioned that expert witness Mr. Barry failed to say whether the project was in harmony with the neighborhood. He mentioned that Manhasset Isle buildings do not exceed two stories and suggested modifying the Code to allow cluster residences. He also felt that accepting this height variance would set a precedent for Thypin applications. Patrick Gibson noted that Thypin's property is in a different zone.

- Nick Marra feels that the public deserves to comment, but should not be cross-examining the BZA. He feels that changes and real estate development is bringing nicer residents to the area.

Additional Board/Applicant Comments:

- Jeffrey Blinkoff, Esq. asked that the hearing be continued on October 16 so the Board has more time to review the application and any additional documents.

- Howard Avrutine said that he recognized the differing viewpoints of the residents in attendance. He feels this development would be an enhancement to the community. Height has been the point of much interest at this hearing, Avrutine feels the visual impact would be far enough from other properties to be a detriment to the area.

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

- Motion to Adjourn Z582 to November 13, 2018 at 7 p.m. by John DiLeo; seconded by Jerry Volpe; unanimously accepted.

ADJOURNMENT: 9:11 p.m.

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

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer, Secretary to the BZA
Dated: September 17, 2018
Manorhaven, New York