

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING
January 14, 2020 at 6:30 p.m. - AGENDA**

Call to Order: 6:32 p.m.

Pledge of Allegiance: Jeremy Devine

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.

ADJOURNMENT:

Z595 - 59 Orchard Beach Boulevard, Port Washington, NY, 11050, S-4, B-59, L-636 in Zone R-4. (Continued hearing) Applicant, Pond Ridge Homes, seeks an adjournment to 6:30 p.m. on February 6, 2020 as their updated survey was not complete.

- *Joseph Zimbardi moved to adjourn until 2/6/20; seconded by Jerry Volpe; unanimously carried.*
- *Jeremy Devine moved to receive their finally drawing no later than 2/6/2020; seconded by Jerry Volpe; unanimously carried.*

EXTENSIONS:

Z568, Z569, Z570, Z571, Z572 – 48, 50, 52, 54 and 56 Ashwood Road, Port Washington, NY, 11050; the applicant seeks an extension of time to complete construction.

- *Jeremy Devine moved to accept the 6 month extension; seconded by Jerry Volpe; unanimously carried.*

Z582 – 22 Sagamore Hill Drive / 22 Secatoag Avenue, Port Washington, NY, 11050; the applicant seeks an extension of time to complete construction.

- *Jerry Volpe moved to accept the 6 month extension; seconded by John DiLeo; unanimously carried.*

Z588 – 2 Manorhaven Boulevard, Port Washington, NY, 11050; the applicant seeks an extension of time to complete construction.

- *John DiLeo moved to accept the 6 month extension; seconded by Jeremy Devine; unanimously carried.*

EXECUTIVE SESSION:

- *Jerry Volpe moved to enter into Executive Session at 6:39 p.m.; seconded by John DiLeo; unanimously carried.*
- *Joseph Zimbardi moved to close the Executive Session at 6:53 p.m.; seconded by Jeremy Devine; unanimously carried.*

APPLICATIONS BEFORE THE BOARD:

Z601 – 83 Sands Point Road, Port Washington, NY, 11050, S-4, B-75, L0-81, 82 in Zone R2. Applicant, Jing Xie for Sokol Nika, owner, seeks variances: (1) from Section 155-14 (I) whereas on a two-family lot of less than 5,000 sq. feet in area, at least one of the units shall have not more than two bedrooms and proposed is one three bedroom unit and one four bedroom unit; (2) from Section 155-14 (J) whereas maximum lot coverage shall be 25% and the proposed is 32.74% with the addition of a basement egress and stairs; (3) from Section 155-14 (K) whereas total lot coverage shall not exceed 50% and the proposed is approximately 53.33%; (4) from Section 155-14 (M) whereas no accessory use or

structure may be located in the front yard and proposed has new basement egress in the front yard.; (5) from Section 155-14 (N) whereas no structure other than a detached garage may be located in a required side yard setback and the proposed has existing HVAC condensers and the proposed has a new egress platform that encroaches into the side yard setback; (6) from Section 155-30 (F) whereas the maximum paved front-yard area shall not exceed 50% and the proposed appears to be 91.27%.

Board/Applicant Comments:

- Jing Xie, architect representing applicant Sokol Nika, explained the variances being sought. The home was built in 1964, so several variances were already in place and needed a “continued allowance.” She discussed the entry platform and HVAC system.
- Patrick Gibson asked which variances were existing and which were new. It was explained that earlier laws allowed a ladder, but they are planning to install stairs. They are also adding an additional bedroom.
- Sokol Nika explained that the current exits from the lower bedrooms currently exit the home through the kitchen.
- Bill Rogel, Village Superintendent explained that the lower level is not considered a basement.
- Jing Xie gave the Board photos of the existing stairs and conditions of the neighboring homes. These were marked as Exhibit 1.
- Jeff Blinkoff, Village BZA Attorney, reviewed the new versus existing variances.
- Andrew Levenbaum explained that the stairs are within five inches of the property line/side yard.
- Jeremy Devine pointed out that the legal notice is different than what is being requested. What is being requested now is larger than what was noticed and originally submitted to the Building Department.
- Patrick Gibson reviewed some additional items to be considered including the effect on the neighborhood, alternate solutions to variance requests, how substantial the request is, the effect on the environment and is this a self-created problem.

Public Comment:

- Jean-Luc Samyn a neighbor living behind the applicant’s property, said that water from the applicant’s property is flowing onto his property, including water in his basement and sewer problems. He owns 86, 88 and 98 Ashwood Rd. He also mentioned that the backyard is a mess.

- John DiLeo moved to adjourn to February 6 at 6:30 p.m.; seconded by Jeremy Devine; unanimously carried.

Z600 -87 Sands Point Road, Port Washington, NY, 11050, S-4- , B-75, L- 76,77,78 in Zone R2.

Applicant, Jing Xie for Ledimar Nika, owner, seeks variances: (1) from Section 155-14 (B) of the Village Code whereas the minimum lot width shall be 40 feet and the proposed lot shall be 39.84 feet; (2) from Section 155-14 (E), whereas the minimum side yard setback shall be six feet with a minimum aggregate of fourteen feet and the proposed seeks a lower deck which would encroach into the side yard area; (3) from Section 155-14 (L) whereas each single family unit shall have at least two-on-site parking spaces and each two-family dwelling shall have at least three onsite parking spaces, and the proposed shows no on-site parking spaces which conform to the Village definition of “parking spaces;” (4) from Section 155-14 (O) whereas permitted uses shall be limited to play equipment, private auto garages, etc., and above ground decks exceeding no higher than two feet above the finished grade and proposed is an existing shed not included in the above section of the Code, in the rear yard bisected by the property line; (5) from Section 155-30 (F) whereas the maximum paved area in the front yard shall not exceed 50% and the proposed appears to exceed 50%.

Board/Applicant Comments:

- Jing Xie, architect for the applicant, explained that this property is also on a steep piece of property. The applicant wishes to convert the existing one-family to a two-family while remaining in the existing footprint of the current home. She reviewed the variances and noted that the existing deck was approved in 2003. She presented Exhibit #1, Certificate of Completion with the 1964 survey and drawings at that time. She

discussed the shed on the property and after a question from Jeremy Devine, she said the applicant would bring the shed into compliance or remove it. She also reviewed the egress stairs and parking.

Public Comment:

- Thomas Stanziale, Esq. spoke on behalf of a neighboring resident. He noted that there is an easement and the shed is on it. He felt that Sands Point was not aware of it.
- Jing Xie discussed the parking spaces noting that they are full-sized spots of 10 x 20.
- Christine Jenkinson of 80 Sands Point Rd. feels that the home needs more parking. There is not enough parking now as a one-family home.
- Jean-Luc Samyn said that most of the conversation is about the front of the house. What about the back?
- Patrick Gibson again reviewed the points that would be considered.
- Jeff Blinkoff, Village BZA Attorney noted the discrepancy in variance request #5 and said that this must be re-noticed as well.
- Andrew Levenbaum discussed that the lower level emergency egress stair platform would be blocked if a car was parked in Parking Space #3, which would both block emergency egress from the lower level as well as block access to the lower level residence by fire department and emergency response personnel.

- John Di Leo moved to adjourn the hearing to February 6, 2020 at 6:30 p.m.; seconded by Jeremy Devine; unanimously carried.

ADJOURNMENT:

- Jeremy Devine moved to close the meeting at 7:41 p.m.; seconded by John Di Leo; unanimously carried.

*** The next BZA Meeting is February 6, 2020 at 6:30 p.m.**

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer, Secretary to the BZA
Dated: January 14, 2020