

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING MINUTES
Port Washington Senior Center
80 Manorhaven Blvd. Port Washington, 11050
December 11, 2018 – 6:30 p.m.**

Call to Order: 6:32 p.m.

Pledge of Allegiance: Sharon Abramski

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 6:33 p.m. by Jeremy Devine; seconded by John DiLeo; motion unanimously carried.*
- *Motion to close Executive Session at 6:40 p.m. by Joe Zimbardi; seconded by John DiLeo; motion unanimously carried.*

APPLICATIONS BEFORE THE BOARD:

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 one (1) mixed-use building seeking: **1.** a special use permit seeking mixed-use development in the E-1 zoning district in accordance with Section **155-24 (A)(22)** subject to certain provisions; **2.** a variance for Section **155 – 24 (C)(2)**, buildings not to exceed 26 feet and two stories in height, as measured from the established street grade adjoining the property. **Proposed:** Building is 35.66 feet and three stories high. This does not include the elevator bulkhead or rooftop access stairs which adds an additional 10.586 feet to the building height for a total of 46.246 feet above the established street grade. The building height exclusive of the elevator bulkhead and rooftop access stairs is incorrectly listed on Page A0.1 of the plans as 31.916 feet; **3.** a variance for **Section 155-24 (C)(6)** - the minimum front yard setback shall be 20 feet. **Proposed:** Sagamore Hill Drive is the principal frontage of the lot with a setback of 5 feet. **4.** a variance for Section **155-34 (A)** – in all cases where flat roof construction is used and there is no ridge, there shall be an average air space of 18 inches between the ceiling beams and roof beams. **Proposed:** There is no 18 inch space between the ceiling beams and roof beams. They appear to be the same framing member as seen on the section provided on page A-3.0. **5.** a variance for Section **155-38** - buildings of wood-frame or metal-skin construction shall be prohibited in any commercial or industrial district. **Proposed:** Construction method is not specified; **6.** a variance of Section **155-45 (J)** - in commercial or industrial districts, each off-street parking area shall have an area of not less than 10 feet by 20 feet, with access drives or aisles, in usable shape and condition, not less than 20 feet. **Proposed:** Parking spots vary in size and do not conform to the minimum required dimensions; **7.** a variance of Section **155-46** (off-street parking requirements) - 83 off-street parking spaces are required. **Proposed:** 33 off-street parking spaces are provided.

Board/Applicant Comments:

- A letter from the Port Washington Water District dated 12/4/2018 from Paul Granger, was marked as **Exhibit 1**, regarding the issuance of a “Letter of Water Availability” for new construction.
- **Howard Avrutine, Esq.** spoke on behalf of the applicant. He noted that the applicant has taken the public’s comments into consideration and distributed a drawing that showed some possible considerations: 1. increasing the setback to 10 ft. on street frontage, creating a distance of 21 feet from the building to the corner radius.; 2. Relocating the elevator bulkhead to the center to eliminate visibility on the roof; 3. eliminating stair visibility on the roof; 4. reduction of landscape to 4 feet. (Noted that Tom’s Point objects to recreational use of the rooftop.); 5. Legal parking on Secatoag would remain.
- **David Mammina**, architect for the applicant, explained possibilities of other types of construction options that the BZA might find more acceptable.

- A letter from H2M Engineering to Ms. Jean- Marie Posner dated 12/10/18 regarding sewer capacity was read into the records and marked as **Exhibit 2**.

Howard Avrutine added their traffic engineer was present should more information be needed on parking.

PUBLIC COMMENT:

- Gina Volcano feels that 16 units will use forty spots. She already feels there is too much congestion on Manhasset Isle and this structure will be too much for the area.

- Caroline Dubois was unhappy with the legal notice posting. The Clerk presented the legitimate legal notice that was noticed and it was confirmed that it was noticed correctly and was valid. She didn't feel the public has had enough time to view documents at Village Hall; she felt it was improper for the Chairman to have to leave early that evening; and continued with other opinions about the application.

- Robert O'Brien spoke about a petition with sixty-three signatures to place a moratorium on all building in the Village. He feels 3-stories will set a precedent.

-Mitch Friedman feels that the perspective of the renderings are not from a street level and feels the drawings are a bad representation of the buildings.

- Nick Marra feels Mr. Dejana has the right to submit his building application. He noted that Manorhaven has approximately 7,000 residents, over 4,600 who vote, and only 60 people come to meetings, many who have changed their positions as of late regarding building on the waterfront.

-Judy White noted her letter of support dated 11/14/2018 to Jean-Marie Posner from Heidi Spellman Realty, LLC which was marked as **Exhibit 3** and a similar letter to BZA Secretary Sharon Abramski, dated 11/16/2018, which was marked as **Exhibit 4**.

- Peter Dejana felt that the public comments have been good ones with regard to setback and height and they have been able to accommodate some requests. He felt that many comments have been hurtful to him and his family who have helped and supported the Manorhaven community. He cares about the waterfront and the style of homes which interests new buyers. Many can't afford single family homes and search for alternative housing. He feels that this is not "selfish". He feels that these units are beautiful and needed in the community.

- Jenns Rumenapp was upset that the Chairman had to leave early. He asked that applicants be required to build to Code. Chairman Gibson reminded him that local law changes are not made by the BZA, but by the BOT.

- Dorit Zeevi-Farrington feels that this application should be addressed by the BOT. She agreed that alternative housing is needed but this should not be a BZA decision. She noted several NYS regulations to consider including character, examples of other two-story buildings built by Dejana, their effect on the environment and self-created difficulties.

- Bruce Migatz, Esq. appeared on behalf of Tom's Point property owners. He feels that the application does not meet the definition of "mixed use".

- Jeffrey Blinkoff read the definition of "mixed use" into the record and noted that the description speaks for itself.

- Bruce Migatz, Esq. noted that Tom's Point does not oppose a 10 ft. setback but would rather see two stories versus three with more setback. He disagreed that the elevator shaft will be virtually invisible and would like to see site line drawings. He feels that the applicant should forego the rooftop amenity and wants no parking on either side of Sagamore Hill Drive.

- Gary Maynard made a point to say he did not see the legal posting in Manhasset Isle.

- Hank Ratner feels that Dejana has a sincere concern for Long Island and felt the PWW letter (Exhibit 1) was not strong enough. He has concerns about salt water intrusion.

- Monica DeSantis doesn't want the overcrowding to creep into Manorhaven and feels we have to stabilize the Area before we can further develop.

- Mario DeSantis asked where garbage receptacles would be held.

- *John DiLeo made a motion to have Jeremy Devine to fill in as Chair in Patrick Gibson's absence, Jerry Volpe Seconded the motion; it was unanimously carried by the BZA.*

- Guy LaMotta asked who will want to move into Manorhaven with all the negative publicity; He felt that

building five two-family homes instead of the application would ruin Manorhaven. He feels that the Village needs high-end luxury apartments, not more homes that contribute to overcrowded schools.

- Julianna DeSantis noted the overcrowding in Schreiber High School and feels that sixteen units will contribute to that situation as well as more traffic.

- Barbara Mallon feels that Manorhaven needs senior housing. She commented on the Environmental Report and had questions about the façade. She was also concerned about salt water intrusion and pump station capacity for so many new units. She felt the 10 foot setback was satisfactory.

- Jeffrey Blinkoff asked that the mentioned Environmental Report be made part of the record. He also wanted to be sure that everyone understood that the diagrams that were presented were not changes to the application, they are merely proposals. Howard Avrutine confirmed that the drawings were conditions that the applicant would accept. Jeffrey Blinkoff said that any new drawings would have to be reviewed by the Building Department again.

- Nick Marra discussed traffic and the new stores.

- Caroline Dubois reminded the BZA that it's their decision on what the developer can or cannot do. She noted that she feels it's the BZA's responsibility to represent the "little people" who can't afford an Article 78.

- Jeremy Devine noted that Caroline Dubois was mischaracterizing the presentation from the applicant.

- Jeffrey Blinkoff again requested the 2011 or 2012 Environmental Report.

- Howard Avrutine made comments in closing that reiterated some of the discussions that took place.

- Jeremy Devine wanted to confirm everything was ADA compliant. He asked if there were any further public comments. There were none.

- Motion to close public comment by Jerry Volpe; seconded by Joe Zimbardi; motion unanimously carried.

- Motion to close public hearing subject to receipt of the Phase I Environmental Study by Jerry Volpe; seconded by Joe Zimbardi; unanimously carried. (Next meeting either 1/15 or 1/22 depending on availability of the PW Senior Center.)

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%.

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%.

Board/Applicant Comments:

- Thomas Pantelis, Esq. recapped the last meeting. He noted the 3-foot walkway mentioning that a corrected/modified plan had been submitted.

PUBLIC COMMENT:

- Rita Di Lucia requested that the architect show the plans regarding parking. John Amisano presented the drawing and clarified that there would be three spots per house.

- Laura Costa asked for an explanation of the 28% variance. Thomas Pantelis explained the single family was 28% and two-family was 25%.

- Motion to close public comment by Jerry Volpe; seconded by Joe Zimbardi; motion unanimously carried.

- Motion to accept application as SEORA – Type II by Joe Zimbardi; seconded by Jerry Volpe; unanimously carried.

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

ADJOURNMENT: 9:11 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: December 11, 2018

Manorhaven, New York