

**INC. VILLAGE OF MANORHAVEN  
BOARD OF ZONING  
February 6, 2020 at 6:30 p.m. - MINUTES**

**Call to Order:** 6:34 p.m.

**Pledge of Allegiance:** Jeffrey Blinkoff, Esq.

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

**APPOINTING AN ACTING CHAIR:**

- *Jerry Volpe moved to appoint **Jeremy Devine as Acting Chair** in Patrick Gibson's absence; seconded by John DiLeo; unanimously carried.*

**EXECUTIVE SESSION:**

- *John Di Leo moved to enter into Executive Session at 6:35 p.m.; seconded by Joseph Zimbardi; unanimously carried.*

- *Joseph Zimbardi moved to close the Executive Session at 7:18 p.m.; seconded by John Di Leo; unanimously carried.*

**APPLICATIONS BEFORE THE BOARD:**

**Z595 - 59 Orchard Beach Boulevard**, Port Washington, NY, 11050, S-4, B-59, L-636 in Zone R4. (Continued hearing) Applicant, Pond Ridge Homes, seeks a variance: (1) Section 155 – 16 (B) of the Village Code in order to construct a building with a building area of 45.02% of the lot area where the maximum permitted is 35%; (2) Section 155 – 35 (A) of the Village Code in order to maintain the eaves that project into the side yards by 42 inches when cornices, eaves, and gutters cannot project more than 24 inches into side yards; and (3) Section 155 – 35 (E) of the Village Code in order to maintain an open side entry stair leading to the second floor under both the left and right side of the building when the Code does not permit entry stairs on the side of the structure leading to a second-story, either open or enclosed, covered or uncovered.

**Board/Applicant Comments:**

- Albert D-Agostino, Esq. noted that since there was a new issue that needs to be addressed, they would have to adjourn.

- Jeffrey Blinkoff, Esq. explained that the Board received an updated survey, but they need additional information on the survey, which has not been received. Additionally, new issues were raised regarding how the building should be raised. (A recent DEC visit has revealed a concern about elevations and the existing building.)

- **NOTE:** The applicant will reach out to an engineer and a report of their findings with regard to DEC concerns must be submitted to BZA Secretary Abramski no later than March 1, 2020.

**Public Comment:**

- Alan Teitel, a neighboring resident, asked that the property be secured.

- Alice Aboody is unhappy that the date keeps changing and feels it's a delay tactic. She feels the terrace much be addressed. She also discussed that she discovered a new way to build elevators which are circular and offered this information to the applicant. She continued to discuss stairs, cement, and flooding and claimed that she would not stand for people breaking the law.

- Nick Marra said he understood that something new came up and that they need time to resolve it, but asked whether the applicant was prepared to answer other questions.
  - Clerk Sharon Abramski invited residents to contact her or her Deputy to make an appointment to review all new documents on file.
  - Jeffrey Blinkoff, Esq. explained to Mrs. Aboody that the new drawings submitted to the Village show the amendments to the building regarding stairways on the sides and the back terrace and that they are significantly different from the last set of drawings.
  - Albert D'Agostino, Esq. appreciates what the residents have said and wants to assure residents that they are not purposely delaying. All documents related to board questions have been addressed to date.
  - Jeffrey Blinkoff, Esq. reiterated that by March 1, the Village must receive a written plan on how the applicant will proceed. The DEC came to review certain properties within the Village. They Raised questions regarding 50 Orchard Beach Blvd. and how it was built in relationship to the water. For this reason the applicant provided elevation certificates. The applicant now needs to speak to engineers regarding the new DEC concern.
  - Rich Halfond, a resident, questioned what the DEC was concerned with.
  - Jeffrey Blinkoff, Esq. explained that the drawings are different than what has been built.
  - Albert D'Agostino, Esq. reiterated that on January 22, 2020, the DEC raised a new issue and only last week did discussions regarding the same take place. The applicant had no idea that the DEC had issues with the existing building.
- *Jeremy Devine moved to adjourn the meeting to March 10, 2020 at 6:30 p.m.; seconded by John Di Leo; 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) Section 155-14(B) which provides that the minimum lot width shall be 40 feet and the proposed lot width is 39.84 feet wide. (2) Section 155-14(E) which provides that on an interior lot, the minimum side yard setback shall be six feet, with a minimum aggregate of 14 feet and the applicant proposes to construct a lower level deck and new egress stairs on the south side which encroach into the side yard up to property line. (3) Section 155-30(F) which provides that the maximum paved area in front yard shall not exceed 50% in a residential zone and the applicant proposes that the percentage of paved area in the front yard will be 95.5.

**Board/Applicant Comments:**

- Jing Xie, project manager for the applicant, used the 1/15/20 drawings to describe the project again. She reviewed the formerly approved variances and history of the property.
- John Di Leo discussed the Town of North Hempstead (TONH) road and noted that he could not find measurements on the site plan. In the plans. The driveway drain is shown on Town property.
- Jing Xie explained that the drain is at the lowest point, but can be moved. If a drywell is not suitable, it can be revised.
- Jeremy Devine asked the project manager if the applicant had considered permeable pavers.
- Jing Xie said they had planned to use the drywell to avoid runoff.
- Andrew Levenbaum, engineer for the BZA, asked that the survey be updated to show the distance from the west side of Sands Point Rd. (Right of way) to the property line. He also noted that there is no differentiation between the parking spaces and the egress for the stairs.
- Jing Xie stated that began blocks would be added to separate the two.
- Sokol Nika asked for clarification as to which area was problematic.

**Public Comment:**

- Jean Luc Samyn, a neighbor behind the property, wanted to see the drawings for the two-family units. He said that the drawings do not reflect what is going on behind the home.
- Ledimar Nika, the owner, explained the various changes that he has made to the property in thus far.
- Christine Jenkinson, a neighbor across the street from the property, feels that three parking spots with no grass or trees in the front yard, are an eyesore. She feels that a one to two-family conversion is

unnecessary. A discussion took place again about the driveway drainage.

- Jose Delgado, a neighbor behind the property, asked if there was a real plan to address how erosion will be handled in the backyard.

- Jing Xie said she was unable to discuss drainage until they received a variance, then they will create a drainage plan.

- John Di Leo noted that most applications show the drainage plans at this stage of the BZA application, although it will be reviewed further in the Planning Board. Jeremy Devine agreed that the drainage is not reflected in the drawings. He requested that the site plan show the following: the TONH right of way; the dedicated walkway; and where the drywell connects and where it is installed.

- Jing Xie said that if the drywell is not satisfactory, they will eliminate the variance request and use permeable pavers.

- Christine Jenkinson questioned the use of permeable pavers as she felt it was the same end result, a driveway that covers the entire front yard. She asked where the water will go.

- Bill Rogel, Village Building Superintendent, explained the local Code with regard to pavers.

- Gary Maynard said that he needed a drywell when he did his property.

- Jerry Volpe commented that the Board still questions where the water would drain into.

- Jing Xie said that she would submit new drainage drawings to the Building Superintendent.

- Jean Luc Samyn questioned whether the sewer connection would change. Sokol Nika said it would not.

- Jerry Volpe asked about sewer capacity and usage. Bill Rogel did not see an issue with the extra sewer utility usage.

- John Di Leo moved adjourn to March 10, 2020 at 6:30 p.m.; seconded by Jerry Volpe; unanimously carried.

**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 as follows: (1) Section 155-14(J) which provides that the maximum lot building coverage for a two-family dwelling shall be 25%, and the proposed (existing house, terraces and structures) calculates to 34.09% lot building coverage. This increases to 37.14% with the addition of the proposed egress platform, stairs and HVAC condenser platform. (2) Section 155-14(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 and the proposed total building lot coverage is 56.59%. (3) Section 155-14(M) which provides that no structure or accessory use may be located in the front yard and the applicant proposes to locate new basement egress stairs in the front yard. (4) Section 155-14(N) which provides that no structure or accessory use, other than a detached garage, as permitted, and the parking of vehicles (but not commercial vehicles), may be located in a required side yard setback and the applicant proposes to construct a new basement egress platform encroaches into south side yard to a distance 5 inches from the property line. Additionally, as per the supplied survey, the existing HVAC condensers located on the north side encroach completely into the side yard to a point where the property line bisects the northernmost condensing unit. The condenser platform which is proposed to be maintained encroaches into the side yard up to the north property line. (5) Section 155-30(F) which provides that the maximum paved area in front yard shall not exceed 50% in a residential zone while the applicant proposes that the percentage of paved area in front yard will be 94.9%.

#### **Board/Applicant Comments:**

- Jing Xie, project manager for the applicant, discussed the existing two-family home, Unit 1 on the lower level, Unit 2 on the second level. She discussed the egress stairs, the HVAC was approved in 1993. Most of the variances are needed because of the egress stairs.

- Jeremy Devine discussed the HVAC units and told the applicant that they cannot go over the property line. If the applicant is willing to move the units, that needs to be indicated on the drawings as well as the addition of belgian blocks to separate the dedicated walkway between the parking spots and the walkway.

#### **Public Comment:**

Christine Jenkinson complained that now there would be two homes next to each other, both with excessive parking in the front yard with wall to wall pavers.

- Jean Luc Samyn is opposed to the project. He asked where the drywells would be, because the downspouts drain into the backyard, and into the ground. He asked if there was a drywell there for the water, because he always gets water in his basement from their runoff.
  - Jose Delgado, said there is a continuing rainwater issue that spills onto the Ashwood properties with soil going onto the lower street and properties.
  - Jeremy Devine said the gutters and drywells would need to be reviewed and if they exist, as they probably need maintenance.
  - Jose Delgado asked if a soil study was being done.
  - Clerk Sharon Abramski reiterated for the record the items needed and the time line would follow:
    1. new drawings to go to Bill Rogel;
    2. a denial letter by Rogel;
    3. ten new sets with denial two weeks before the next hearing. If any new variances are require, a new mailing with be required.
  - Joe Delgado Sr. said he is concerned about the actual home and high winds. He asked that a structural engineer examine the home.
  - Jeffrey Blinkoff, Esq. said that if there is a hurricane compliance, the Building Superintendent will address it.
  - Residents all agreed that they are worried about the building and would like to see something from an engineer
  - John Di Leo asked if the house was inspected by an engineer at the time of purchase.
  - Sokol Nika said they will make sure the home is safe.
- (Note: house was a foreclosure and was not inspected.)

- Jerry Volpe moved to adjourn to March 10, 2020 at 6:30 p.m.; seconded by John Di Leo; unanimously carried.

**ADJOURNMENT:**

- Jeremy Devine moved to close the meeting at 9:12 p.m.; seconded by Jerry Volpe; unanimously carried.

**\* The next BZA Meeting is March 10, 2020 at 6:30 p.m.**

SHARON NATALIE ABRAMSKI, RMC, CMC  
 Village Clerk-Treasurer, Secretary to the BZA  
 Dated: February 6, 2020