

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING MEETING
AUGUST 8, 2017 – 7:00 P.M.
MINUTES**

Call to Order: 7:03 pm

Pledge of Allegiance: Steve Ressa

Attendance: Jeremy Devine, Brendan Fahey (excused), Dominick Masiello, Frank Ottaviani, Patrick Gibson, Chairman.

Executive Session:

Motion to Enter into Executive Session at 7:04 pm by Frank Ottaviani; Seconded by Jeremy Devine; unanimously carried.

Motion to Close Executive Session at 7:28 pm by Frank Ottaviani; Seconded by Dominic Masiello; unanimously carried.

1. Z575 - 4 Manhasset Avenue, Port Washington, NY, Section 4, Block 82, Lot 1 in Zone R-1. Applicant seeks a variance from section 155-12 (D) (1) to maintain a daycare center/school in a residential zone. The proposed work is to change the current Occupancy from Group F (factory) to Group E (educational).

Comments: Code Compliant drawings will be presented to Andrew Levenbaum.

Bruce Migatz, Esq. appearing for Christine Mucci. (Owner is Warny Holding Corp.) Mr. Migatz explained the history of the property. 2 Manhasset Ave is an industrial building, 4 Manhasset is the property on the agenda, 6 Manhasset is Friends Together Early Childhood Center for 18-36 month olds and 21 Yennicoek Avenue is the Friends Together Enrichment Center (Extended Hours). 6 Manhasset and 21 Yennicoek compromise the Nursery. In 1986, the zone for the property was changed to R1.

Exhibits were presented:

Exhibit 3 is the building permit for Construction of an industrial building.

Exhibit 4 is the Certificate of Completion to renovate that building to an office building.

Exhibit 5 lists the permitted uses in an industrial zone (Manorhaven Code 155-13).

Exhibit 6 – Factory Building from 1953

Exhibit 7 – 2007 Letter

Exhibit 8 – 1949 C of O Factory

Exhibit 9 – 2013 Letter from Village Attorney

Exhibit 10 – 2017 Letter

Public Comment:

Peter Minco, Esq., representing Warny Holding, agreed with Bruce Migatz's presentation.

Mike Masiello suggested a conditional acceptance.

- Motion to Enter Into Executive Session at 8:15pm by Jeremy Devine, seconded by Dominick Masiello; unanimously carried.

- Motion to Conclude Executive Session at 8:18 pm by Jeremy Devine, seconded by Frank Ottaviani; unanimously carried.

- Motion to Tentatively Adjourn to August 29 at 7 p.m. by Jeremy Devine, seconded by Frank Ottaviani; unanimously carried.

2. Z573 – 5 Secatoag Avenue, Port Washington, NY 11050, S-4 B-83 L-27, 28, 29 & 225 in Zone E1.

Peter Meyer, owner of said property seeks:

- (1) a special permit from the Board of Zoning and Appeals pursuant to section 155-24 A (22) of the Village Code for a mixed use in residence zone E-1;
- (2) a variance of section 155-24 A (22)(a)[2] of the Village Code under which the minimum size of a two bedroom dwelling is 1,100 square feet and where two units are proposed having an area of 962 square feet (Unit “A”) and 955 square feet (Unit “B”);
- (3) a variance of section 155-24 A (1)(d) under which the number of parking spaces required is 7 and 6 are proposed;
- (4) a variance of section 155-45 J of the Village Code under which each off-street parking area is required to be 10 x 20 feet and where 8.66 x 20 feet is proposed;
- (5) a further variance of section 155-45 J under which a driveway is required to be of 20 feet and where 13.05 feet is proposed; and
- (6) a variance of section 155-24 C(6) of the Village Code under which the minimum front yard setback permitted is 26 feet and where 4.6 feet is proposed.

Comments:

Bruce Migatz, Esq. – Application was previously adjourned to allow Ressa Real Estate time to review the plans. Ressa requested installation of a vinyl privacy fence as he feels it impacts the privacy of 7 Secatoag. The Board suggested that this arrangement be worked out between the parties.

Exhibit 5 – Image of existing fence.

Exhibit 6 – Accumulated trash next to 5 Secatoag.

Exhibit 7 – Rusty truck

Public Comment:

-Walter Peters had questions regarding the application variances.

-Lori Leeds had concerns about variances.

-Barbara Rumenapp had a question about one and two bedroom desirability.

-Peter Meyer prefers two-2BR apartments, but he will okay with one-1 BR and one-2 BR.

-Mike Masiello is concerned about parking.

- Motion to approve all variances except #2 by Jeremy Devine; seconded by Frank Ottaviani; unanimously carried.

All Five Ressa applications were heard together:

3. Z572 – 56 Ashwood Road, Port Washington, NY, S-4 B-75 L-40, 39, P/O 38 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; and (2) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

4. Z568 – 48 Ashwood Road, Port Washington, S-4 B-75 L-p/o 31, 224, 225 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; and (2) section 155-13.1(E) under which the permitted side yard setback is 6 feet and 5 feet is proposed; (3) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 27.87% is proposed; and (4) 155-13.1(K) under which 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 where 71.8% is proposed.

5. Z569–50 Ashwood Road, Port Washington, NY, S-4 B-75 L-p/o 31, 32, 33 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; (2) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

6. Z570 –52 Ashwood Road, Port Washington, NY, S-4 B-75 L-p/o 33, 34, 35, and 36 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; (2) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

7. Z571 – 54 Ashwood Road, Port Washington, NY, S-4 B-75 L-p/o 36, 37 and 38 in Zone R1. Applicant seeks to construct a new two-family dwelling and requests variances of (1) section 155-13.1(D) of the Village Code under which the permitted front yard setback on the subject property is 31.9 feet and where a setback of 15 feet is proposed; (2) section 155-13.1(J) of the Village Code under which the total building lot coverage permitted is 25% and where 28% is proposed.

Comments:

Peter Mineo, Attorney for the applicant discussed the application
Nadine St. Louis, architect with Paul Russo Architects showed revisions

Public Comment:

- Sharon Abramski requested that Ressa post one-way signage for entrances: a one way and a no entry for opposite entry of service road; I also asked about sidewalks on the Ashwood Road side and sidewalks leading to the doors on Ashwood.*
- Mike Masiello also discussed the access/service road and is concerned about visibility upon exiting.*
- Walter Peters had a question regarding backyard setbacks and clarification of requests. Read portions of the Zoning Code into the record (Chapter 155).*
- *John Orr noted that plans were approved in 2009 before the school property was part of the Ressa land.*
- *Steve Ressa – Said his father started their business 60 years ago but it's in their best interest to maintain the properties and make the Village a nice place to live.*

- *Motion to adjourn to September 29 at 7 p.m. moved by Dominick Masiello, seconded by Frank Ottaviani; unanimously carried.*

- *Motion to lose the meeting at 9:40 p.m. by Dominick Masiello; seconded by Jeremy Devine; unanimously carried.*

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer-Secretary to the BZA
Dated: August 8, 2017
Manorhaven, New York