

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING AGENDA
Port Washington Senior Center
80 Manorhaven Blvd. Port Washington, 11050
January 15, 2018 at 6:30 p.m.
MINUTES**

Call to Order: 6:36 p.m.

Pledge of Allegiance: John Orr

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.

EXECUTIVE SESSION:

- *Motion to go into Executive Session at 6:38 p.m. to discuss legal matters by Jerry Devine; seconded by John Di Leo; motion unanimously carried.*
- *Motion to Close Executive Session at 6:54 p.m. by Jerry Devine; seconded by Joe Zimbardi; 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. **Public hearing and public comment was closed at the December meeting.** Applicant Secatoag 20-26, LLC proposes to construct one mixed-use building seeking: (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 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 35.66 feet in height, and three stories high not including the elevator bulkhead which adds an additional 4 feet to the building height and rooftop access stairs; (3) 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 5 foot proposed setback on Sagamore Hill Drive; (4) 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; (5) 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; (6) 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; (7) seeks a variance of section 155 – 46 of the Village Code which requires 83 off-street parking spaces to instead allow for 33 off-street parking spaces.

Board/Applicant Comments:

- **BZA Attorney Jeffrey Blinkoff** noted that the BZA recently received environmental documents from the applicant, which were extensive. A letter dated January 15, 2019 to the BZA and BOT from Caroline Dubois was noted on the record and referred to counsel.
- **Howard Avrutine** confirmed that all environmental reports were submitted.
- **Caroline Dubois** insisted that the public have another opportunity to voice additional public comment after it was already closed in December. That request was denied.

- *Motion to adjourn this application until February 2019 made by Jerry Devine; seconded by John Di Leo; motion unanimously carried.*

Z588 – 2 Manorhaven Blvd, Port Washington, NY, 11050 Section 4, Block H, Lot 87, Residential Zone C-3: Applicant 2 Manorhaven LLC/ Cary Wolf requests a special use permit pursuant to section 155 – 20 (A)(7) of the Village Code in order to convert a 3 bay automotive repair garage to a convenience store.

Board/Applicant Comments:

- **Bruce Migatz, Esq.** appeared on behalf of 2 Manorhaven LLC. He gave a brief history of the property noting the owner's desire to convert the gas station repair bays to a convenience store. The indoor plans are typical of most gas station convenient stores and require a special use permit under Section 155-60 (B) (3). No changes are being proposed to the physical condition of the outside of the building or topography except parking stripes. The Board would have to decide whether it feels that this proposed use of the property is in harmony with the neighborhood, whether it contributes or hinders the development of the Village, and whether it would have too great an impact on the traffic. NOTE: a traffic impact study prepared by Andrew Villari, was previously forwarded to the BZA Secretary to distribute to the BZA Board and a copy was presented for the record. There will be no onsite cooking.
- **Andrew Villari**, traffic engineer for the applicant, discussed his report and stated that it would only increase traffic at that corner by 15%. The applicant seeks to revitalize the corner gas station and feels it will not increase congestion at the intersection.
- **Patrick Gibson** asked about risks of selling food where gasoline is sold. **Bruce Migatz** noted that many coffee shops and convenience stores are converted from gas stations and there have not been concerns as such.
- **Larry O'Brien** of Highpoint Engineering discussed soil study requests by the BZA. He noted that there are continuous studies of the soil at gas stations. He explained.
- **John Di Leo** asked what the hours of operation would be. **Bruce Migatz** replied midnight. **Clerk Sharon Abramski** brought to their attention that a recent local law change in Manorhaven restricted hours of operation to 11 p.m. **Migatz** said he would discuss that matter with the applicant.

PUBLIC COMMENT:

- **Dorit Farrington** feels that intersection is already very busy and that the Board should carefully consider that the convenience store conforms to Village laws.
- **Mike Masiello** wants to be sure that they comply with hours of operation as dictated by Manorhaven Local Laws.

- *Motion to close public comment by Joe Zimbardi; seconded by Jerry Devine; motion unanimously carried.*
- *Motion to adjourn the application until February meeting. John Di Leo; seconded by Jerry Devine; motion unanimously carried.*

Z587 – 55 Sintsink Drive West, Port Washington, NY 11050 Section 4, Block L, Lots 6,7, Residential Zone R-1: Applicant seeks variances of the Village Code as follows: (1) from section 155-13.1 (J) which provides that the maximum lot building coverage for a one-family dwelling shall be 28%. Building coverage shall include the principal building, including attached or detached porches and decks extending more than two feet above average finished grade and attached or detached garages and all other accessory uses. **Proposed:** Building lot coverage provided is 37.79%.; (2) from section 155-13.1 (F) which provides that the minimum rear yard setback shall be 20 feet. **Proposed:** Rear yard setback is 17.9 feet; (3) from section 155-13.1 (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. **Proposed:** Total building lot coverage provided is 56.12%.

Board/Applicant Comments:

- **Todd O'Connell**, architect for the applicant, discussed that the applicant built their deck over the allowable size and did not apply for a permit with the Village. A portion of the deck has been built on Village property as well. The Balterman's are hoping that the Village will sell them a piece of the Village property, so they won't need to ask for a variance. **NOTE:** The applicant conducted a poll of surrounding neighbors as to whether the deck was objectionable. Even though they received favorable results, the deck and stairs are still encroaching on Village owned land.
- **Brook Balterman** claimed that they already paid the fines for building without a permit. She noted that she and her husband are in the initial phase of discussions with the Village to sell them land.
- **Bill Rogel**, Village Superintendent, stated that they built the deck during a waterfront moratorium, erected fences without permits and were asked to take the fences down. Their contractor was caught totally rebuilding their deck without a permit.
- **Jerry Devine** asked if more fines would be issued. Jeff Blinkoff noted that once a matter is referred to the BZA, it creates a stay.
- **Brook Baltermann** stated that Manorhaven's Village Attorney told them to stop all activities until a decision is made regarding a decision by the Village about the property.

PUBLIC COMMENT:

- **Gary Maynard** spoke on behalf of Brook Balterman. "She is the kind of person I'd like to see in our Village." He felt they should be allowed to restore what the home needs so they will stay here and be part of the Village.
- **Dorit Zeevi-Farrington** spoke on behalf of the applicant. She feels they inherited a difficult situation and they have tried to resolve it.
- **Patrick Gibson** encouraged them to continue discussions with the Village.

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

- *Motion to enter into Executive Session to discuss legal matters at 7:47 p.m. by Jerry Devine; seconded by Joe Zimbardi; motion unanimously carried.*

- *Motion to close Executive Session at 7:47 p.m. by Jerry Devine; seconded by Joe Zimbardi; motion unanimously carried.*

NOTE: A request was made by the BZA Board to see drawings or photos of the pre-existing deck.

- *Motion to adjourn until March meeting by Jerry Devine; seconded by Joe Zimbardi; motion unanimously carried.*

ADJOURNMENT: 7:58 p.m.

Motion to close the meeting by Jerry Devine; seconded by Joe Zimbardi; motion unanimously carried.

SHARON NATALIE ABRAMSKI, RMC, CMC
Village Clerk-Treasurer, Secretary to the BZA
Dated: January 15, 2019