

**INC. VILLAGE OF MANORHAVEN  
BOARD OF ZONING  
March 8, 2022 at 6:30 p.m. – MINUTES**

**CALL TO ORDER: 6:31 p.m.**

**PLEDGE OF ALLEGIANCE:** *Allie of Top Key Court Reporting*

**ATTENDANCE:** *Chairman Jeremy Devine, John DiLeo, Patrick Gibson - Excused, Jerry Volpe, Joseph Zimbardi, Alex Kovacevic– Deputy-Village Clerk, Jeffrey Blinkhoff – BZA Attorney; Andrew Levenbaum - BZA Engineer.*

**EXECUTIVE SESSION:**

*Jerry Volpe made a motion to enter Executive Session to seek legal counsel; seconded by John DiLeo; motion unanimously carried at 6:31 p.m.*

*John DiLeo made a motion to close Executive Session and re-enter the public hearing; seconded by Jerry Volpe; motion unanimously carried at 7:01 p.m.*

**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 determination that variances from the Village Code are not required relative to construction of the structure at the subject premises, or alternatively seeks either the following variances: (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, or seeks to allow for the subject structure to be constructed with only the building area variance as described above.

**BOARD/APPLICANT COMMENTS:**

**Jeffrey Blinkoff** explained the two separate items that the Board would consider in respect to the application.

**Board of Zoning Appeals** voted unanimously to go off record to deliberate.

**Board of Zoning Appeals** voted unanimously to go back on public record.

*Jeremy Devine made a motion to declare the Board of Zoning Appeals as the Lead Agency for the matter of Z595 – 59 Orchard Beach Boulevard; seconded by Jerry Volpe; motion unanimously carried.*

*Joseph Zimbardi made a motion to declare application as an unlisted action for the purpose of SEQRA; seconded by John DiLeo; motion unanimously carried.*

*Joseph Zimbardi made a motion to apply a negative declaration to said matter; seconded by Jerry Volpe; motion unanimously carried.*

*Roll call vote taken to apply negative declaration to said matter; results were as follows;*

*John DiLeo – Aye. Jerry Volpe – Aye. Joseph Zimbardi – Aye. Chairman Jeremy Devine – Aye.*

**Board of Zoning Appeals** voted unanimously to go off record to deliberate.

**Jeffrey Blinkoff** reviews timeline of events regarding said matter to Board.

**Board of Zoning Appeals** voted unanimously to go back on public record.

*Joseph Zimbardi made a motion to affirm former Building Inspector William Rogel’s determination of said property; seconded by John DiLeo; motion unanimously carried.*

*Roll call taken to affirm former Building Inspector William Rogel’s determination of said property; results were as follows;*

*John DiLeo – Aye. Jerry Volpe – Aye. Joseph Zimbardi – Aye. Chairman Jeremy Devine – Aye.*

**Board of Zoning Appeals** voted unanimously to go off record to deliberate.

**Board of Zoning Appeals** voted unanimously to go back on public record.

*John DiLeo made a motion to affirm that prior vote regarding SEQRA for said matter be subject to written decision; seconded by Jerry Volpe; motion carried unanimously.*

*Jerry Volpe made a motion to render a decision regarding the remaining area variance for said matter; seconded by Joseph Zimbardi; unanimously carried.*

*Roll call taken to render an approval or denial regarding the remaining area variance for Z595 – 59 Orchard Beach Boulevard subject to written decision; results were as follows;*

*John DiLeo – Aye. Jerry Volpe – Aye. Joseph Zimbardi – Aye. Chairman Jeremy Devine – Aye.*

*Board voted unanimously to deny area variance for Z595 – 59 Orchard Beach Boulevard.*

**Z614 – 13 Dunes Lane Port Washington, NY 11050, S-4, B-F- L-962**, in Zoning District R-1, the applicant requests variances from: (1) section 155-13.1 (J) Residential District R-1 which provides that the maximum allowed building lot coverage for a two-family dwelling shall be 25% while the proposed building lot coverage is 29 %.

**BOARD/APPLICANT COMMENTS:**

**Kevin Boroumand** attorney representing applicant reviewed updated survey, revised plans, previous mailing concerns, and addressed concerns raised by the Board.

**Jeremy Devine** affirmed that prior curb cut concern had been resolved.

**Joseph Zimbardi** expressed concern as to reasoning for additional lot coverage sought. Further noted that each matter brought forth to the Board is reviewed independently without precedent from previous applications.

**Anthony Piacentini** attorney representing applicant referred to previous variances granted by the Zoning Board. Also noted recent federal regulations.

**Jeffrey Blinkoff** noted that the Board is not bound by precedent.

**John DiLeo** commented on lot size comparison to previously noted approved lot sizes.

**PUBLIC COMMENT:**

**Ann Tomlinson** resident of Dunes Lane noted that the reason to ask for additional lot percentage was for monetary purposes.

**Nick Marra** mentioned that prior applications are irrelevant to said matter.

**Dennis Fromigia** Village Building Inspector mentioned that Village Code Enforcement cannot control what vehicles drive throughout the Village. Comment made in reference to prior public comment.

**Patricia DeBari** resident of Dunes Lane commented on driveway configuration.

**Jerry Volpe** mentioned that the Board of Zoning Appeals cannot determine how an architect designs a house.

**Don DeBari** resident of Dunes Lane asked if Board would stop granting lot size variances.

**Jeremy Devine** asked if applicant could provide list of previously referenced houses that were approved by the Zoning Board.

*Jerry Volpe made a motion to close public comment; seconded by Joseph Zimbardi; motion unanimously passed.*

*Jerry Volpe made a motion to adjourn matter to the April 12 meeting; seconded by John DiLeo; motion unanimously passed. \*Please refer below to Z616 (28 Kirkwood Road) matter for revised motion.*

**Z616 28 Kirkwood Road**, Port Washington, NY 11050 S-4, B-45, L-137 in the R-1 Residential Zone, the applicant seeks variances from: (1) Section 155-13.1(J) of the Village Code to construct a two-family dwelling where the building lot coverage will be 29.8% when the maximum allowed building lot coverage is 25%, and from (2) Section 155-35 of the Village Code in order to construct two rear stairwells to the basement and four air-conditioners located 16.4 feet from the rear yard lot line when the minimum rear yard setback is 20 feet.

**BOARD/APPLICANT COMMENTS:**

**Jeffrey Blinkoff** advised the Board that the applicant had requested to adjourn the matter until May meeting.

**PUBLIC COMMENT:**

*No public comment given.*

*Joe Zimbardi made a motion to adjourn Z614 and Z616 matters to May 10 meeting as per applicant request: seconded by Jerry Volpe; motion unanimously carried.*

**Z615 – 166 Shore Road**, Port Washington, NY 11050, S-4, B-H, L-29, in Zoning District C-3, the applicant requests variances and or special use permits under: (1) a variance from section 155-45J Parking and loading space which requires that 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, and the applicant proposes to include parking spaces of 9' x 20'; (2) a variance from section 155-46 Off street parking requirements which section requires a minimum of 6 parking spots and the applicant proposes to provide 2 parking spots; (3) a variance from section 155-17 E Commercial districts which requires that the minimum lot area shall be 4,000 square feet, except for attached row stores for retail trade, which must have a minimum lot area of 2,000 square feet and the existing lot is 3881.05 square feet, where minimum of 4000 square feet is required; (4) section 155-20A (1) Commercial Retail and Sales Stores (C-3) District which provides that Restaurants and other eating facilities, in this Zoning District require a special use permit from the Board of Zoning and Appeals; (5) section 155-20.1 C (2) Business Overlay District (BOLD) under which a special use permit is required for mixed use live/work apartments, and the proposed plans show an apartment located on the second floor, in a BOLD District, thus requiring a special use permit.

**BOARD/APPLICANT COMMENTS:**

**Jessica Leis** attorney representing applicant reviewed property details and variances sought. Noted that Spectrum employees would be dropped off and picked up to and from business. Mentioned that a percentage of sales would be via online orders. Further specified that the footprint of the building would not be changing.

**Timothy Tweedy** of Greystone Engineering, reviewed existing parking details, proposed plans, and presented pictures to the Board.

**Jeremy Devine** requested information from Building Superintendent Dennis Fromigia regarding parking space dynamics. Also asked applicant attorney who the tenant would be.

**Eileen Eegan** of Community Mainstream Services, representing applicant discussed program that supports tenants in community. Elaborated on tenant pickup and drop-offs to and from work.

**Jeremy Devine** asked Village legal counsel if hypothetical final decision would remain with the property in the future regardless of owner and/or tenant.

**PUBLIC COMMENT:**

**Albert D'Agostino** attorney representing Cella Realty expressed concerns regarding the existing parking situation and previously constructed curb cuts by Nassau County. Referred to Village Code regarding “new structure” definition. Asked that application be reviewed by Nassau County Department of Public Works.

**Michael Maris** President of traffic study company, representing Cella Realty reviewed measurements, parking spaces, and traffic dynamics on and surrounding property.

**Gary Maynard** resident of Manorhaven expressed support for the business idea. Further noted that the existing parking situation would not be feasible.

**Michelle Cella** of Cella Realty reviewed existing conditions of parking. Noted that existing parking situation was not favorable.

**John DiLeo** asked about the 18ft driveway in reference to trash area dynamics. Asked if air conditioner could be relocated to roof.

*Joe Zimbardi made a motion to adjourn Z615 to April meeting: seconded by Jerry Volpe; motion unanimously carried.*

**(Z613) Matter of 30 Sagamore Hill Drive,** Port Washington, NY, 11050, S-4, B-83, Lots 81-20, and 55-64, the applicant seeks to construct a self-storage facility in the E-1 Zoning District and requests: (1) a variance from section 155-24 (C) (2) in order to construct a building of 3 stories and 35.81’ in height when the maximum height permitted under the Code is 2 stories and 26’; (2) a variance from section 155-46 in order to construct a building with premises providing 10 parking spaces including 2 handicap spaces when the Code requires 161 parking spaces; (3) a variance from section 155-34(A) in order to construct a building with a flat roof where there is no ridge and where there is no proposed ceiling below the roofline, when the Village Code requires that there be an 18” average air space between the ceiling beams and roof beams; (4) a variance from section 155-30 (D) of the Village Code in order to construct/place a transformer in the front yard of the subject property when the placement of a structure in the front yard is prohibited; and (5) a special use permit pursuant to section 155-24(A)(7) of the Village Code in order to construct a self-storage facility within the E-1 District, for which such a special use permit may be requested as long as the storage of combustible materials is prohibited and trucks serving the facility shall have a gross weight (GWT) of no greater than 20 tons.

**BOARD/APPLICANT COMMENTS:**

**Andrea Tsoukalas-Curto** attorney representing applicant reviewed prior public comment concerns from February hearing. Presented updated rendering of proposed property with updated colors and appearance features. Noted that new rendering gave an appearance of a two-story structure. Further expressed that proposed property would not impact the community in a negative manner.

**Jeremy Devine** mentioned that a sidewalk, hours of operation, and unattended times were not included in the updated rendering.

**Wayne Muller** of Muller Engineering, representing applicant reviewed parking specifications, square footage details, and submitted “Table A” and “Table B” parking reports to the Board.

**Mike Lynch** real estate broker representing applicant reported on his real estate review of the surrounding community. Expressed that proposed property would bring value to the community. Further noted that existing building and conditions were poor.

**John DiLeo** referred to quote from Extra Storage website. Asked applicant to elaborate on ownership details.

**Pete Williams** president of Public Storage Incorporated reviewed ownership details of proposed business and noted that many locations are open 24 hours all year round, and unattended outside of office hours.

**PUBLIC COMMENT:**

**Jack Flood** resident of Tom’s Point Condominiums stated that he did not feel that that proposed property would fit well within the community.

**Bruce Migatz** attorney representing Tom’s Point Condominiums stated that he did not feel that the proposed property would conform to the surrounding neighborhood. Further noted that a granted height variance would set a precedent.

**Gary Maynard** resident of Manorhaven stated that he opposes height variance request of said property.

**Kathleen Dickson** attorney representing applicant reviewed Manorhaven Village Code and noted that proposed project conformed to Village Code and that the code permits self-storage in the E-1 district. Further noted that proposed property would not be a detriment to the community.

**Jerry Volpe** explained that precedent is not applicable for said matter.

**Patricia DeBari** stated that proposed property would change character of the Village.

*Joe Zimbaridi made a motion to adjourn Z613 to April 12 meeting: seconded by John DiLeo; motion unanimously carried.*

**ADJOURNMENT:**

*Jerry Volpe made a motion to adjourn meeting: seconded by John DiLeo; motion unanimously carried.*

**The next BZA Meeting is Tuesday, May 10th at 6:30 p.m.**

**April 12<sup>th</sup> meeting cancelled**

Alex Kovacevic  
Village Deputy Clerk-Treasurer, Acting Secretary to the BZA  
Dated: March 17, 2022