

**INC. VILLAGE OF MANORHAVEN  
BOARD OF ZONING APPEALS  
June 14, 2022 at 6:30 p.m. – MINUTES**

**CALL TO ORDER:** 6:32 p.m.

**PLEDGE OF ALLEGIANCE:** Bill Rogel

**ATTENDANCE:** Chairman Jeremy Devine, John DiLeo, Jerry Volpe, Joseph Zimbardi, Jeffrey Blinkoff – BZA Attorney, Andrew Levenbaum – BZA Engineer.

**EXECUTIVE SESSION:**

*Jerry Volpe made a motion to enter into an executive session to seek legal counsel; seconded by Joseph Zimbardi; unanimously carried at 6:33 p.m.*

*Jerry Volpe made a motion to close executive session and re-renter public session; seconded by Joseph Zimbardi; unanimously carried at 7:01 p.m.*

**APPLICATIONS BEFORE THE BOARD:**

**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 %.

*Deputy Clerk Alex Kovacevic notified Board that the applicant had requested an adjournment.*

*Joseph Zimbardi made a motion to adjourn matter to July hearing date; seconded by Jerry Volpe; unanimously carried.*

**BOARD/APPLICANT COMMENTS:**

**PUBLIC COMMENT:**

**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.

*Deputy Clerk Alex Kovacevic notified Board that the applicant had requested an adjournment.*

*Joseph Zimbardi made a motion to adjourn matter to July hearing date; seconded by Jerry Volpe; unanimously carried.*

**Matter of 23A Kirkwood Road**, Port Washington, NY 11050, S-4, B-44, L-267, 375, 377, in Zoning District R-1 the applicant requests variances from: (1) section 155-13.1 (G) Residential District R-1 which provides that no building shall exceed two stories or 26 feet in height measured from established street grade and the applicant proposes a building with a height of 34 feet as measured from the street grade; (2) 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%, and the proposed building lot coverage is 29%; (3) section 155-35 Appurtenance Construction in that the applicant proposes to maintain one rear stoop and four air conditioners encroaching into the minimum rear yard setback of 20 feet by having setbacks of 17' for the stoops, 16' for the air conditioners and such items are not permitted appurtenance encroachments of the Village Code into minimum rear yards.

**Matter of 23B Kirkwood Road**, Port Washington, NY 11050, S-4, B-44, L-164, in Zoning District R-1 the applicant requests variances from: (1) section 155-13.1 (G) Residential District R-1 which provides that no building shall exceed two stories or 26 feet in height measured from established street grade and the applicant proposes a building with a height of 34 feet as measured from the street grade; (2) 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%, and the proposed building lot coverage is 29%; (3) section 155-35 Appurtenance Construction in that the applicant proposes to maintain one rear stoop and four air conditioners encroaching into the minimum rear yard setback of 20 feet by having setbacks of 17' for the stoops, 16' for the air conditioners and such items are not permitted appurtenance encroachments of the Village Code into minimum rear yards.

**BOARD/APPLICANT COMMENTS:**

Stephen Ressa Esq., representing applicant reviews brief history of property and requested that both 23A and 23B be heard simultaneously.

Judy Simoncic Esq., representing applicant reviewed history of property, Article 78 determination, and amended plans.

Paul Russo, architect representing applicant reviewed specifications of site plan, further noted the necessity for height variance in relation to roof slope. Also reviewed amended drawings pursuant to recent curb cut law.

Joseph Zimbardi noted that no adjustments to square footage of house was completed.

Jerry Volpe questioned if applicant made enough changes and asked why the lot coverage percentage was not reduced.

Stephen Ressa noted that as per Court Decision, the 2015 Board of Zoning Appeals did not review original matter thoroughly.

Jeremy Devine stated that the Board would review the matter at hand in a thorough matter.

Jeffrey Blinkoff reviewed Supreme Court Decision.

**PUBLIC COMMENT:**

Lori Leeds, resident of 25 Kirkwood Road felt that proposed project would have a negative impact on neighbors and expressed concern for the amount of approved variances. Further noted that her house sits low in the ground.

Lauren Costa, resident of 10 Juniper Road noted that many houses on the block were original and conformed to the community.

Collen Oniell, resident of 16 Juniper Road questioned lot sizes and believes that the Village favors builders over existing residents.

Judy Simoncic feels that proposed property fits into the neighborhood and the benefits outweigh any other noted comments. Additionally reviewed nearby properties with approved height variances.

John DiLeo reviewed his findings of parking specifications, further noted plan revision that would yield more off street parking. Also asked if the applicant could build lower on property and potentially take advantage of water table depth.

Paul Russo mentioned that property could not be built lower due to water issues.

Jerry Volpe made a motion to adjourn matter to July hearing; seconded by Joseph Zimbardi; unanimously carried.

**(Z613) Matter of 30 Sagamore Hill Drive**, Port Washington, NY, 11050, S-4, B-83, Lots 1-20, 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:**

Kathleen Deegan Dickson Esq., reviewed history of property and past hearings, noted that the applicant had been receptive to the feedback of residents and eliminated 3<sup>rd</sup> story. Additionally reviewed revised drawings, parking, setbacks, and revised aesthetic changes.

Wayne Muller of Muller Engineering reviewed recent engineering reports, noted that existing plans reflected sufficient parking.

Jeremy Devine questioned the police activity for other parking and storage units in Port Washington.

Andrew Levenbaum posed a question in regard to the exterior wall construction and what material would be used.

Joseph Zimbardi asked if the applicant had known how the community felt about the proposed property.

Kathleen Deegan Dickson further noted that the applicant has listened and have made changes pursuant to community comments.

**PUBLIC COMMENT:**

Bruce Migatz mentioned that he did not feel that a self storage facility fits into the community and that proposed signage was excessive. Further noted that Tom's Point did not oppose special use permit. Additionally commented on parking dynamics and overflow. Also asked for Board to prohibit parking on both sides of Sagamore Hill Drive.

Anthony Saldano, Manorhaven business owner asked if the existing plans included any outside storage.

John DiLeo expressed gratitude for the reduction from 3 stories to 2 stories and asked if signage could be reduced. Additionally asked if applicant could change the positioning of the signs.

Jeff Stone, resident of Tom's Point felt that proposed signage was excessive. Believes that the community is in need of self storage units.

Pete Williams of Premier Storage Inc, noted that signs would not be illuminated however feels that advertisement is necessary for the business.

Laura Costa asked if signs could be made in a nautical theme.

Jerry Volpe made a motion to adjourn matter to July hearing date; seconded by John DiLeo; unanimously carried.

**ADJOURNMENT:**

*Jerry Volpe made a motion to adjourn meeting to July 12<sup>th</sup>; seconded by Joseph Zimbardi; unanimously carried at 9:07 p.m.*

**The next BZA Meeting is Tuesday, July 12th at 7:00 p.m.**

Alex Kovacevic  
Village Deputy Clerk-Treasurer, Acting Secretary to the BZA  
Dated: July 15, 2022