

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

CALL TO ORDER: Frank Ottaviani

PLEDGE OF ALLEGIANCE: Alex Kovacevic

ATTENDANCE:

Chairman Frank Ottaviani, Jerry Volpe, Joseph Zimbardi, Ray Houngringer, Dominick Masiello, Alex Kovacevic– Deputy-Village Clerk, Thomas Larounis, Esq., – BZA Attorney; Andrew Levenbaum - BZA Engineer.

APPLICATIONS BEFORE THE BOARD:

(Z619) Matter of 65 Dunwood Road, Port Washington, NY, 11050, S-4, B-78, Lots 41-42, 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%, and the proposed building lot coverage is 27.29%.

BOARD/APPLICANT COMMENTS:

PUBLIC COMMENT:

Alex Kovacevic noted that the applicant had recently submitted revised plans which would require an updated denial letter. The applicant had submitted a request for matter to be adjourned.

Ray Houngringer made a motion to adjourn the matter to the September meeting date; seconded by Frank Ottaviani; unanimously carried.

(Z620)Matter of 68 Edgewood Road, Port Washington, NY 11050, S-4, B-78, Lots 34-36, 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 28.5 feet as measured from established 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 28.66%; (3) section 155-45 K(2) which provides that for any construction on an interior lot of a new one-family or two-family dwelling, only one curb cut shall be permitted, and such curb cut shall be limited to 16 feet in width, and the applicant proposes two 8-foot curb cuts.

BOARD/APPLICANT COMMENTS:

Kevin Boroumand owner of property reviewed property dynamics, background, and objective for family living space. Further read letter dated August 7th in support of proposed application.

Paul Russo architect representing applicant reviewed proposed plans, variances, and water table dimensions.

Frank Ottaviani questioned distance between fire hydrant and curbcut.

Andrew Levenbaum noted NFPA code regarding proper distance between fire hydrant and curbcut.

PUBLIC COMMENT:

No public comment given.

Dominick Masiello made a motion to declare the application as a Type II action which would not have a negative impact on the environment and would not require further SEQRA review; seconded by Ray Houngringer; unanimously carried.

Roll call vote taken to approve or deny said application with a condition to create at least 3 feet of space between curbcut and fire hydrant. 'Aye' approving said application and 'Nay' denying application. Results were as follows: Frank Ottaviani – Aye; Jerry Volpe – Aye; Joseph Zimbardi – Abstained; Ray Houngringer – Aye; Dominick Masiello – Aye. Application approved.

(Z621) 31 Edgewood Road, Port Washington, NY 11050 S-4, B-80, Lots 61 & 62, in Zoning District R-1 the applicant requests variances from: 1)155-6 Basement (definition): That space of a building which is partly below grade, which has half or more than half of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building. Story (definition): No basement space shall be used for any principal use purposes unless the height thereof, from finished floor to ceiling, is at least seven feet six inches, and at least five feet thereof is above the average level of the adjacent ground, and unless the window area thereof equals at least 10% of the floor area of such space so used. Such noncomplying space shall be considered a cellar in which no principal use is permitted. Proposed: Principal use in cellar. Ceiling height is 6 feet 9 ¼ inches and the height above the average level of adjacent ground is less than five feet. 155-13.1L – Each two-family dwelling unit shall have at least three on-site parking spaces for occupant use. Proposed: Three parking spaces 9 feet 6 inches in width and 20 feet in depth which do not comply with the defined 10-foot width of a parking space. 155-45 K (2) For any construction of an interior lot of a new one-family or two-family dwelling, including the conversion of an existing one-family dwelling to a two-family dwelling, only one curb cut shall be permitted. Such curb cut shall be limited to 16 feet in width. Proposed: Two 8-foot curb cuts.

BOARD/APPLICANT COMMENTS:

Frank Falino architect for applicant discussed sought variances and proposed plan.

Dominick Masiello asked what the ceiling height was in the basement.

Bill Rogel referenced Village Code regarding cellar ceiling height.

Frank Ottaviani questioned the access location and dynamics of the side door to the cellar.

Jerry Volpe explained why the Board was in deliberation and further questioned the safety of the ceiling height and egress of the cellar.

Frank Falino expressed thoughts on the safety of proposed cellar.

Andrew Levenbaum read the Village Code for cellar ceiling height, noting a 7 ft. 6-inch ceiling height for habitable living space.

Robert Taparell: Provided one drawing to the Board and noted New York State Code regarding cellar ceiling height.

Frank Ottaviani expressed concern regarding egress and ceiling height with cellar. Feels that it could pose a safety issues.

PUBLIC COMMENT:

No public comment given.

Frank Ottaviani made a motion to close public comment; seconded by Jerry Volpe; unanimously carried.

Roll call vote taken to approve or deny said application with 'Aye' approving said application and 'Nay' denying application. Results were as follows: Frank Ottaviani – Nay; Jerry Volpe – Nay; Joseph Zimbardi – Nay; Ray Houngringer – Nay; Dominick Masiello – Nay. Application denied.

(Z622) 73 Firwood Road, Port Washington, NY 11050 S-4, B-80, Lots 61 & 62, in Zoning District R-1 the applicant requests variances from: 155-13.1 E – On an interior lot, the minimum side yard setback shall be six feet, with a minimum aggregate of 14 feet. Proposed: 5.1 feet left side, 5.7 feet right side, 10.8 feet aggregate. 155-13.1 G – No building shall exceed two stories or 26 feet in height, measured from the established street grade. Proposed: Building height of 28.1 feet from established street grade. 155-34 K – 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 coverage of 50.33%. 155-34 C – Ridge construction must be used in R-1, R-2 and R-3 Residential Districts. Proposed: Flat roof construction on first floor addition.

BOARD/APPLICANT COMMENTS:

Tom Trifaro representing applicant reviewed proposed plans of said application.

Dominick Masiello asked how old the existing house was.

Board went into a brief deliberation.

PUBLIC COMMENT:

No public comment given.

Jerry Volpe made a motion to close public comment; seconded by Dominick Masiello; unanimously carried.

Roll call vote taken to approve or deny said application with a condition to create at least 3 feet of space between curbcut and fire hydrant. 'Aye' approving said application and 'Nay' denying application. Results were as follows: Frank Ottaviani – Aye; Jerry Volpe – Aye; Joseph Zimbardi – Aye; Ray Hounigringer – Aye; Dominick Masiello – Aye. Application approved.

ADJOURNMENT:

Frank Ottaviani made a motion to adjourn meeting; seconded by Joseph Zimbardi; unanimously carried at 8:13 p.m.

The next BZA Meetings are Tuesday, September 13th at 6:30 p.m. and also Tuesday August 9th at 6:30 p.m.

Alex Kovacevic
Village Deputy Clerk-Treasurer, Acting Secretary to the BZA
Dated: August 9, 2022