

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING APPEALS
August 9, 2022 at 6:30 p.m. – MINUTES**

CALL TO ORDER: 6:31 P.M.

PLEDGE OF ALLEGIANCE: Alex Kovacevic

ATTENDANCE:

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

APPLICATIONS BEFORE THE BOARD:

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 reviewed history of meetings involving said matter.

Rudy Gomes, architect representing client reviewed recent plan changes including a reduction in height and lot coverage.

Deputy Clerk briefly left the room.

Judy Simoncic, Esq., representing applicant reviewed application and feels that the proposed project is in line with the characteristics of the neighborhood and conforms to the community. Further noted that the applicant voluntarily changed plans which reduced height and lot coverage.

Dominick Masiello referred to old Village codes and characteristics of neighborhood.

Jerry Volpe noted that proposed plan appears taller in height due to perception.

Stephen Ressa noted that existing house has a height of 33 feet.

PUBLIC COMMENT:

Elizabeth Clarke, resident not in favor of proposed project. Further expressed concern regarding the mailing procedure for the Board of Zoning Appeals.

Alex Kovacevic was asked to read a letter on behalf of resident Lori Leeds, a resident of Manorhaven who is not in favor of said application.

Anne Tomlinson, resident expressed concern regarding parking, rental properties, and the mailing procedure.

Judy Simoncic noted that precedent has already been established and that the Board must apply five factors in weighing for a decision.

Kevin Boroumand, resident commented regarding digging into a hill to build a foundation. Noted that it would not be a good idea.

Andrew Levenbaum reviewed a previously proposed idea of lowering the lowest floor of a house. Further noted that it wouldn't be good engineering practice.

Phillip Galasso, representative of 152 Shore Road asked the name of the Village Board of Zoning Appeals engineer.

Roll call vote taken to approve or deny said application with two conditions if approved; 1) Proposed property to be built at 33 feet in height with 27% lot coverage.. '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.

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:

Anthony Piacentini, Esq attorney representing applicant reviewed reasons for variances sought. Submitted two exhibits to Board. Further noted that comments from two residents should not influence the Board as it does not best represent community opinion.

Ray Hounigringer noted that the Board reviews all matters with careful consideration.

Jerry Volpe noted that each case stands on its own and there are no precedents established.

Joseph Zimbardi reiterated that no precedents are established with prior decisions.

Rui Gomes architect representing applicant reviewed additional property specifications.

Frank Ottaviani asked why the proposed project could not be built with 28% lot coverage.

PUBLIC COMMENT:

Patricia DeBari, resident of Dunes Lane questioned the mailing and legal notice process used. Further commented on future tenants in proposed property.

Frank Ottaviani noted that the Board can not weigh in or determine who lives at the property or who parks on Dunes Lane.

Donald DeBari, resident of Dunes Lane asked why builders could not build to conform to Village Code.

Anne Tomlinson, resident of Dunes Lane feels that the mailing process to notify residents was inconsistent and mentioned that many tenants in existing properties do not use available off-street parking.

Bill Rogel, Building Superintendent reviewed pervious and impervious specifications as defined by Village Code.

Jerry Volpe noted that the Board cannot control where residents park.

Kevin Boroumand, attorney representing the applicant clarified mailing notifications and ownership details.

Elizabeth Clark, resident of Dunes Lane felt that the mailing notifications were inadequate and feels that there should be more single-family homes.

Frank Ottaviani 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 Jerry Volpe; unanimously carried.

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

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:

Rui Gomes, architect representing applicant reviewed property details and plans.

Ray Hounigringer asked if lot coverage could be reduced.

Rui Gomes mentioned that lot coverage could be reduced to 29.2%.

Andrew Levenbaum asked about the 39 feet specification in reference to the parking specifications. Further noted that 40 feet would need to show on the proposed drawing.

PUBLIC COMMENT:

No public comment given.

Frank Ottaviani 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 Dominick Masiello; unanimously carried.

Roll call vote taken to approve or deny said application with one condition if approved. 1) Proposed property to be built with a 29.2%. '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.

(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:

Alex Kovacevic noted that applicant had formally requested an adjournment to the next available meeting date.

Jerry Volpe made a motion to adjourn application to September 13th, 2022; seconded by Frank Ottaviani; unanimously carried.

ADJOURNMENT:

Frank Ottaviani made a motion to adjourn meeting; seconded by Joseph Zimbardi; unanimously carried at 10:02 p.m.

The next BZA Meeting is Tuesday, September 13th at 6:30 p.m.

Alex Kovacevic
Village Deputy Clerk-Treasurer, Acting Secretary to the BZA
Dated: August 22, 2022