

**INC. VILLAGE OF MANORHAVEN
BOARD OF ZONING APPEALS
December 13, 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 - Excused, Joseph Zimbardi, Thomas McCarvill, Dominick Masiello, Edward Watt - Excused, Alex Kovacevic– Deputy-Village Clerk, Thomas Larounis, Esq., – BZA Attorney.*

APPLICATIONS BEFORE THE BOARD:

Frank Ottaviani made a motion to enter executive session; seconded by Joseph Zimbardi; unanimously carried at 6:32 p.m.

Joseph Zimbardi made a motion to close executive session and re-enter public hearing; seconded by Frank Ottaviani; unanimously carried at 6:47 p.m.

(Z624) 21 Juniper Road: Port Washington NY, 11050 S-4, B-45, Lot 70,71,72. The applicant, 21 Juniper Road LLC, seeks the following variances to construct a new two-family house (1) 155-13.1(F) The minimum rear yard setback shall be 20 feet. Proposed: Rear yard stairs encroach 1.75 feet into required rear yard setback. (2) 155-13.1(J) The maximum lot building coverage for a two-family dwelling shall be 25%. Proposed: Building lot coverage is 29.76%. Variance previously granted for 28% lot building coverage.

BOARD/APPLICANT COMMENTS:

Margie Sassoon, architect representing applicant, provided a brief overview of recent hearings involving 21 Juniper Road. Further explained revisions due to fluctuating water table. Also provided reasons as to why rear steps added lot coverage increase.

Frank Ottaviani asked Building Superintendent Bill Rogel and Building Consultant Dennis Fromigia questions regarding the order of events that took place leading to the current situation. Further asked Dennis Fromigia as to the inspection protocol that was followed.

Dominick Masiello asked when the most recent inspection was conducted on the rear steps.

Margie Sassoon explained that there was some confusion due to different water table measurements.

Joseph Zimbardi asked Dennis Fromigia if he foresaw any other options to provide relief without the additional square footage. Dennis Fromigia noted that there wasn't anything else that the applicant could have done.

Frank Ottaviani asked who had created the latest denial letter regarding the matter.

Bill Rogel explained what order of events caused lot coverage change.

Dennis Fromigia noted that Village guidance was needed as code was conflicting with engineering comments.

Thomas McCarvill asked how the problem was detected in the first place.

PUBLIC COMMENT:

Joseph Zimbardi made a motion to open public comment; seconded by Frank Ottaviani; unanimously carried.

Maria Carpinelli, resident of Manorhaven asked if the Village could try and resolve issues at the beginning stages of a project. Further commented that the lot coverage requested was much higher than code permits. Feels that Village must not set a precedent by allowing variances.

Anthony Soldano, business owner in Manorhaven, acknowledged previous public comment and suggested that fine could be imposed for any builder or project not following Village Code or related procedures.

Dennis Fromigia mentioned that the Village could create a code to mandate the use of monitoring wells for a more precise water table reading.

Michael Masiello, resident of Manorhaven, mentioned that the water table fluctuates daily and he didn't feel anyone was at fault in this matter.

Frank Ottaviani made a motion to close public comment; seconded by Joseph Zimbardi; unanimously carried.

Roll call vote taken to determine that the Village of Manorhaven Board of Zoning Appeals be Lead Agency under the New York State Environmental Quality Review Act, and that said variances, if granted, have been determined to be Type II Actions for the purpose of the New York State Environmental Quality Review Act, having no significant impact on the environment.; 'Aye' approving said application and 'Nay' denying application. Results were as follows: Joseph Zimbardi – Aye; Dominick Masiello – Aye; Thomas McCarvill – Abstained; Frank Ottaviani – Aye. Application approved.

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

(Z625) 76 Juniper Road: Port Washington NY, 11050 S-4, B-H, Lot 69-71. The applicant, Cameron Boroumand, seeks the following variances to construct a new two-family house. (1) 155-14 (E) The minimum side yard setback shall be six feet, with a minimum aggregate of 14 feet. Proposed: 2 foot left side, 7 foot right side, 9 foot aggregate. (2) 155-14 (F) The minimum rear yard setback shall be 20 feet. Proposed: Rear stoop encroaches into required rear yard setback,

dimension not provided. (3) The maximum lot building coverage for a two-dwelling shall be 25%. Proposed: Lot building coverage of 32.54%. (4) 155-14 (Q) The grade of all terrain around hillside structures shall be of a pitch and contain such surfaces and subsurface drainage structure that would prohibit erosion of the slope. Proposed: Detail not provided. (5) 155-14 (R) The grade of all terrain around hillside structures shall be covered with landscaping and other ground covers to prevent erosion of the slope. Proposed: Detail not provided. (6) 155-14 (S) The site of all hillside structures shall not be excavated or filed beyond what is necessary for normal construction of a house. Proposed: Detail not provided. (7) 155-14 (T) Building permit application must be accompanied by certification from a professional engineer as to the adequacy of the load-bearing capacity for the proposed structure. Proposed: Certification not provided. (8) 155-14 U All structures shall be constructed under the supervision of a professional engineer. Proposed: Supervising professional engineer not listed on plans or application.

BOARD/APPLICANT COMMENTS:

Alex Kovacevic noted that the applicant for this matter had requested an adjournment.

PUBLIC COMMENT:

No public comment given.

Joseph Zimbardi made a motion to adjourn Z625 – 76 Juniper Road to January 10th 2023; seconded by Frank Ottaviani; unanimously carried.

ADJOURNMENT:

Frank Ottaviani made a motion to adjourn the meeting; seconded by Joseph Zimbardi; unanimously carried at 7:29 p.m.

The next BZA Meeting is Tuesday, January 10th, 2023 at 6:30 p.m.

Alex Kovacevic
Village Deputy Clerk-Treasurer, Secretary to the BZA
Dated: December 14, 2022