

MINUTES OF SEA CLIFF VILLAGE BOARD
May 20, 2013

The meeting of the Incorporated Village of Sea Cliff was held on Monday, May 20, 2013 at 7:30 p.m. at Village Hall, to discuss various Village matters.

Present: Bruce Kennedy, Mayor
Thomas Powell, Village Trustee
Edward Lieberman, Village Trustee
Marianne Lennon, Village Clerk

Absent: Peter Hayes, Village Trustee
Carol Vogt, Village Trustee
Brian Stolar, Village Attorney

Bill Long led the Assembly in the Pledge of Allegiance.

Public Hearing on Proposed Bill No. 2

A local law to modify provisions relating to the parking, stopping or standing of vehicles in proximity to fire hydrants.

Section 1. Village Code §125-26.2 entitled “stopping, standing or parking in specified places”, is amended to add the following subsection:

D. “Within 15.0 feet of a fire hydrant”

No public comment.

On a motion by Trustee Powell, seconded by Trustee Lieberman and unanimously approved by those present, the Public Hearing was closed.

Public Hearing on : Application of Daniel Roth and Raymond Capone Jr., partners of Dram One Inc., d/b/a Still Partners, for a Cabaret License pursuant to the provisions of Chapter 50 of the Code of the Incorporated Village of Sea Cliff to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a cabaret, at the premises situate in Residence "B" District known as and by the street No. 225 Sea Cliff Avenue, and described on the Village Assessment Roll as Section 21, Block 137, Lot 1283, 1284 and 1329 .

No public comment.

On a motion by Trustee Powell, seconded by Trustee Lieberman and unanimously approved by those present, the Public Hearing was closed.

Mayor Kennedy offered the following resolution for adoption:

RESOLUTION NO. 44, YEAR 2013

WHEREAS, the Board of Trustees is considering the adoption of **Bill No. 2, Year 2013:** A local law to modify provisions relating to the parking, stopping or standing of vehicles in proximity to fire hydrants.

NOW, THEREFORE, BE IT RESOLVED, that the following Local Law, introduced as Bill No. 2, Year 2013, be adopted as follows:

TEXT OF BILL
Incorporated Village of Sea Cliff
Local Law No. 2, Year 2013

A local law to modify provisions relating to the parking, stopping or standing of vehicles in

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proximity to fire hydrants.

Section 1. Village Code §125-26.2 entitled “stopping, standing or parking in specified places”, is amended to add the following subsection:

D. “Within 15.0 feet of a fire hydrant”

Section 2. This law shall take effect as provided in Municipal Home Rule Law.

Trustee Powell moved the adoption of the foregoing resolution and seconded by Trustee Lieberman. All present voted in favor of the motion and the resolution was duly adopted.

RESOLUTION NO. 45, YEAR 2013

FINDINGS OF FACT

1. **DANIEL J. ROTH** and **RAYMOND CAPONE JR.** have applied to the Board of Trustees for a license pursuant to Chapter 50 of the Code of the Village of Sea Cliff (the “Village Code”) to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a cabaret, discotheque, or similar place of entertainment at premises located at 225 Sea Cliff Avenue, Sea Cliff, New York (the “Subject Premises”), which is part of premises designated as Section 21, Block 137, Lots 1283, 1284 and 1329, inclusive, on the Nassau County Land and Tax Map (the “Property”). The Property, which is located on the southeast corner of Sea Cliff Avenue and Roslyn Avenue and extends southward to the northeast corner of Roslyn Avenue and 12th Avenue, contains multiple uses, including retail stores, a restaurant and apartment. The applicants seek a license for the restaurant located at the Subject Premises. The Subject Premises and the Property are located in a Business A Zoning District.
2. The Property is owned by Philip Huntington and is leased to Dram One Inc. Daniel J. Roth and Raymond Capone Jr. are the principals of Dram One Inc. The restaurant will be known as Still Partners.
3. Applicants submit that the Premises has a maximum of 32 seats and may accommodate an additional 5 staff members with a permitted occupancy of 87 people, including staff and patrons awaiting service. In accordance with the Nassau County Fire Marshal regulations, the total permitted occupancy may not exceed 87 persons.
4. Applicants have requested a license for Mondays and Thursdays from 7pm-11pm and Saturdays from 12pm to 11pm.
5. Nearby residents addressed the application.
6. There is information in the Village records that indicates that the premises have permission to use the premises as a pub type use.

CONCLUSIONS OF LAW AND LICENSE CONDITIONS

1. To use the Premises as proposed, an application must be made for a license pursuant to Chapter 50 of the Village Code.
2. The Board has considered the application and the testimony presented at the public hearing, and finds that the application should be granted subject to the conditions set forth herein.
3. The Board hereby directs the Village Clerk to issue a License to applicants, **DANIEL J. ROTH** and **RAYMOND CAPONE JR.**, pursuant to the provisions of Village Code chapter 50, subject to the following conditions:
 - a. Music shall be permitted on Mondays and Thursdays from 7pm-11pm and Saturdays from 12pm to 11pm.
 - b. The music shall be performed at a sufficiently low volume level, and the Premises shall contain sufficient sound attenuation or baffling, so as to permit persons located directly outside the building to speak in a

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- modulated voice and be heard by others with whom they are conversing over the volume of the music. Sound proofing material, devices or modifications shall be added as necessary to satisfy this condition.
- c. No tables or chairs shall be moved to accommodate dancing while music is playing. The pool table may be moved to accommodate musical performers.
 - d. All music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the building. The staging for the music will take place in the back of the restaurant. The applicants will provide sound equipment, which shall be set up within the bar, and shall have full control of the volume of the music at all times. Performers will only be permitted to use their own instruments, as the sound equipment will be as provided above. The ceiling shall be soundproofed.
 - e. No shows, other entertainment or karaoke of any nature is permitted.
 - f. No cover charge shall be permitted in connection with the music.
 - g. All doors and windows in the restaurant area shall be kept closed during the performance hours except for normal and customary ingress and egress of patrons.
 - h. Applicants shall obtain all necessary municipal approvals, and shall comply with all orders, rules, regulations and laws of municipal agencies, including the Nassau County Fire Marshal and Nassau County Department of Health.
 - i. Applicants shall submit a verified statement from Raymond Capone Jr. to acknowledge that service made on Daniel J. Roth of any notices or summons issued by the Village or any Village designated employee with respect to violations of any law or any violation of the conditions set forth herein shall be deemed service upon Raymond Capone Jr. The statement shall be co-signed by both co-applicants.
 - j. Applicants shall provide additional noise attenuation features, if determined to be required by the building department either prior to the commencement, or during the term, of this license.
 - k. All conditions and restrictions set forth in Village Code chapter 50.
4. Pursuant to Village Code §50-8, the License shall be effective from February 1, 2013 through January 31, 2016.
 5. Based upon the representations of the applicants and the specific nature and intensity of the proposed use, the Board has granted the License requested with appropriate conditions. In accordance with the provisions of chapter 50, the License granted herein shall be limited to the applicants and the currently proposed use of the Premises. The License shall not be transferred or assigned to any other person or used by any person other than the applicants, nor shall the License be used for any location other than the Premises. Any change of ownership or in the operator of the restaurant or any change or modification of the use, even though the general nature of the modified use shall be similar or identical to the present use for a restaurant, shall require re-application to the Board.
 6. Given the proximity of the firehouse to the premises, applicants shall control performers, deliveries and set up and take down in a manner that does not create any obstruction on Roslyn Avenue.
 7. The application is a Type II matter under the State Environmental Quality Review Act, the Board is the lead agency, and no further environmental review is required to be undertaken by the Board.

On a motion by Trustee Lieberman, seconded by Trustee Powell and unanimously approved by those present, the resolution was hereby adopted.

Meeting adjourned at 8:05 p.m.

