

MINUTES OF SEA CLIFF VILLAGE BOARD
July 8, 2013

Present: Bruce Kennedy, Village Mayor
Carol Vogt, Village Trustee
Thomas Powell, Village Trustee
Brian Stolar, Village Attorney
Marianne Lennon, Village Clerk

Absent: Edward Lieberman, Village Trustee
Peter Hayes, Village Trustee

Mayor Bruce Kennedy

Justin DiPietro led the Assembly in the Pledge of Allegiance.

On a motion by Trustee Vogt, seconded by Trustee Powell and unanimously approved by those present, the Board accepted a gift of \$2,000.00 from Friends of the Beach Committee to be used for beach repairs.

Welcome to the Board Meeting of July 8, 2013 of the Incorporated Village of Sea Cliff.

Public Hearing:

Application of William Long, owner of NS Metropolitan Bistro – NY Corp, 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. 39 Roslyn Avenue, and described on the Village Assessment Roll as Section 21, Block 134, Lot 1.

Public Comment:

- Resident in support of the license
- Resident thought applicant already had a license

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

On a motion by Trustee Powell, seconded by Trustee Vogt and unanimously approved by those present, Abstract No. 2345 was approved for payment in the amount of \$271,590.29.

Trustee Carol Vogt

Trustee Vogt thanked the Civic Association and everyone involved in making the 4th of July event a tremendous success.

Trustee Tom Powell

Fire Department Report for June: 32 calls: 21 ambulance and 11 fire

Mayor Kennedy offered the following resolution for adoption:

RESOLUTION NO. 52, YEAR 2013

FINDINGS OF FACT

MINUTES OF SEA CLIFF VILLAGE BOARD
July 8, 2013

1. **WILLIAM LONG** is the operator of a restaurant business known as Metropolitan Bistro and conducted on the premises located at 39 Roslyn Avenue (the "Subject Premises"), which is part of premises designated as Section 21, Block 134, Lot 1 on the Nassau County Land and Tax Map (the "Premises"). The Premises is located in a Business A Zoning District and is located on the corner of 10th Avenue and Roslyn Avenue.
2. The Premises is owned by Anne Hendrickson and is presently improved with a building used for commercial purposes. The Subject Premises is leased to NS Metropolitan Bistro, Inc. ("Metropolitan Bistro"). Applicant is a principal of Metropolitan Bistro.
3. Applicant requests 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 the Premises.
4. Applicant submits that the Premises have a maximum of 168 persons, including staff and patrons awaiting service.
5. Applicant has requested a license for Wednesday, Thursday and Friday nights from 7:00pm to 11:00pm.
6. Nearby residents addressed the application.
7. The Subject Premises is permitted to be occupied as a restaurant in accordance with an approval obtained from the Village Zoning Board of Appeals.

CONCLUSIONS OF LAW

1. To use the Subject 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 applicant **William Long** pursuant to the provisions of Village Code chapter 50, subject to the following conditions:
 - a. Music shall be permitted on Wednesday, Thursday and Friday nights from 7:00pm to 11:00pm.
 - 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 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.
 - d. All music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the building.
 - 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. The bay windows shall not be opened in any manner while music is playing at the Premises.
 - h. Musicians may be located inside the rear of the Premises so long as the other conditions herein are met.
 - i. Applicant 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.

MINUTES OF SEA CLIFF VILLAGE BOARD
July 8, 2013

- j. As set forth in the application, applicant acknowledges that service made on Shane Dommin of any notices or summonses 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 William Long.
 - k. Applicant 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.
 - l. 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 applicant 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 applicant and the currently proposed use of the Subject Premises. The License shall not be transferred or assigned to any other person or used by any person other than the applicant, nor shall the License be used for any location other than the Subject 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. 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.

Public Comment:

- Comments regarding the use of the Village Green
- Retaining wall at Spooky Park has some loose stones

Meeting adjourned at 9:15 pm

Marianne Lennon
Village Clerk