

MINUTES OF SEA CLIFF VILLAGE BOARD
August 11, 2014

The meeting of the Incorporated Village of Sea Cliff was held on Monday, August 11, 2014, at 7:00 p.m. at Village Hall to discuss various Village matters. Children were encouraged to attend.

Present: Bruce Kennedy, Mayor
 Carol Vogt, Village Trustee
 Edward Lieberman, Village Trustee
 Elena Villafane, Village Trustee
 Kevin McGilloway, Village Trustee
 Brian Stolar, Village Attorney
 Marianne Lennon, Village Clerk

Welcome to the Board Meeting of August 11, 2014 of the Incorporated Village of Sea Cliff.

Mayor Kennedy

Dillon Roth led the assembly in the Pledge of Allegiance. The Pledge of Allegiance was recited again, and led by Will Winchester.

First order of business is a Public Hearing on the application of Sea Cliff Manor for a cabaret license.

Frank Paladino, one of the owners, made of presentation to the Board.

Public Comment:

- Resident expressed his support of the application

Public Hearing was closed.

Public Hearing to consider the application of Cablevision Systems Long Island Corporation for a Franchise Agreement for cable related services in the Village was opened.

Jeff Clark, Director of Governmental Relations for the applicant, gave a presentation to the Board.

There was no Public Comment

The Public Hearing was closed.

Mayor Kennedy reported on the July Police report, and thanked Officer Andrauk for his work on the arrest of youths that were breaking into cars.

Mayor Kennedy reported that we will no longer be able to use plastic bags for leaf pickup and that the Village is looking into paper bags.

On a motion by Trustee Vogt, seconded by Trustee Villafane and unanimously approved by those present, a check for \$1,542.00 was accepted from the Friends of the Sea Cliff Beach, which gift was given conditionally on the Village's using the funds to pay for a new storage unit. Trustee Vogt thanked the Friends of the Sea Cliff Beach for their continued support of the beach.

Public Comment:

- Resident commented on the further erosion of the cliff side at 14 Bay Avenue

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- Resident commented on the roof of the gazebo at the beach and the sound system
- Young resident questioned who was the first Mayor and if we were the smallest Village
- Young resident expressed his concerns about speeding cars, especially by the school
- Young resident commented that no dogs should be allowed at gatherings in Memorial Park
- Questions regarding new tree law and code codifications

On motion duly made by Trustee Lieberman, seconded by Trustee McGilloway, and approved unanimously by those present, the Board approved the issuance of a cabaret license to Sea Cliff Manor in accordance with the following findings and determination:

FINDINGS OF FACT

1. NFRP Catering, Inc. is the owner and operator of a restaurant business located at 395 Prospect Avenue, Sea Cliff, which is more particularly described on the Nassau County Land and Tax Map as Section 21, Block 193, Lots 1, 2 and 14 (the "Premises"). The restaurant at the Premises operates under the name Sea Cliff Manor.

2. The restaurant operates as a pre-existing non-conforming use at the Premises.

3. The applicant requests a license pursuant to the provisions of Chapter 50 of the Village Code to conduct, maintain, operate or engage in the business of conducting, maintaining or operating, a cabaret, discotheque, or similar place of entertainment at the Premises.

4. The applicant's restaurant operation includes catering for various types of private parties. Those parties generally take place on weekend nights and occasionally on weekend days or weeknights. Parties held in the day begin no earlier than 10am. The latest parties on Monday through Saturdays end at 1am and on Sundays at 12am. The facility permits indoor music performed by a band or a disc jockey. There is limited outdoor music that is performed generally during the cocktail hour portion of the private parties, and for a one hour period at a time. The outdoor music uses no amplification.

5. As provided below, because the restaurant use of the Premises is lawful as a pre-existing non-conforming use, the applicant would be required to obtain a certificate of pre-existing non-conforming use or a similar document from the building department demonstrating that the use is not unlawful.

6. The Board of Trustees hereby adopts the following findings:

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- a. The playing of all music shall comply with all then existing Village Code provisions, including those related to noise.
- b. The playing of music outdoors is proposed to be performed seasonally or when weather permits, and only for one hour periods and shall not include any singing or amplification.
- c. The restaurant would be open for private parties, and shall remain open no later than 12am on Sunday nights and no later than 1am on other nights.

7. Applicant has requested a License pursuant to the provisions of Village Code Chapter 50 nightly. On Mondays through Saturdays, the license would be restricted to 10am – 1am. On Sundays, the license would be restricted to 10am – 12am.

8. In 2011, the Board granted a License to the applicant on the same terms as sought herein by the applicant. That License expired in January 2014, and the applicant seeks a new 3 year License in accordance with Chapter 50.

9. In granting a license as requested, the Board of Trustees may impose appropriate conditions pursuant to Village Code §50-6(C).

CONCLUSIONS

10. Based on the applicant's presentation, the Board finds and determines from a preponderance of the evidence that applicant has demonstrated the facts required to be established under Chapter 50.

11. The Board hereby grants the requested License, and directs the Village Clerk to issue a License to the applicant pursuant to the provisions of Village Code Chapter 50, subject to the following conditions:

- a. The music shall be performed at a sufficiently low volume 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, and such sound proofing material shall be subject to review and approval of the Superintendent of Buildings.

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- b. Music shall be permitted on Mondays through Saturdays from 10am – 1am and Sundays from 10am – 12am.
- c. No dancing area shall be created outdoors, and the applicant shall not encourage outdoor dancing in connection with any music.
- d. Except as otherwise permitted herein, all music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the restaurant.
- e. Except as a musical performance typical for a private party, no shows or other entertainment 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 ingress and egress of restaurant patrons.
- h. The playing of exterior music shall not be played using any amplification device(s) and shall be performed only in one hour increments.
- i. Prior to this license being effective, the applicant shall obtain a written document from the building department demonstrating to the satisfaction of the building department the legality of the existing restaurant use as a non-conforming use.

12. Pursuant to Village Code §50-8, the License granted herein shall be effective from the date of issuance to January 31, 2017, unless sooner terminated as provided herein or in Village Code §50-12.

13. The License granted herein is limited to the applicant and the currently proposed use of the Premises. The License shall not be transferred or assigned to any person or used by a person other than the licensee to whom it is issued, nor shall the License be used for any location other than the premises stated in the License. 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 such modified use shall be similar or identical to the present use for a restaurant, shall require a reapplication to this Board.

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14. With respect to the New York State Environmental Quality Review Act, the Board is the lead agency, the issuance of the License herein is a Type II Action under SEQRA, and no further environmental review is required.

WHEREAS, the Village has negotiated and reviewed a proposed cable television Franchise Agreement with Cablevision Systems Long Island Corporation; and

WHEREAS, the Village and Cablevision previously have entered into an agreement providing Cablevision with permission to use the rights of way of public streets and now seeks a renewal of such franchise; and

WHEREAS, the Board of Trustees has considered and reviewed the proposed agreement and determined that the Franchise Agreement is in the best interests of the Village in that it gives Village residents competitive options for cable television services; and

WHEREAS, a public hearing was held on August 11, 2014 to obtain input from interested persons on the proposed Franchise Agreement; and

WHEREAS, the Franchise Agreement shall become effective on the date that the New York State Public Service Commission issues a Certificate of Confirmation of the franchise; and

WHEREAS, the terms of the Franchise Agreement have been negotiated between the Village and Cablevision and are determined to be fair and equitable and acceptable to the Board;

NOW, THEREFORE, BE IT RESOLVED that the Village enter into a Franchise Agreement with Cablevision Systems Long Island Corporation for the provision of cable television service and that the Mayor be and hereby is authorized to execute said cable Franchise Agreement in a form to be approved by the Village Attorney.

On a motion by Trustee Villafane, seconded by Trustee Vogt and unanimously approved, the Mayor was authorized to sign the Franchise agreement.

Meeting adjourned at 8:10pm

Marianne Lennon
Village Clerk