

MINUTES OF SEA CLIFF VILLAGE BOARD
December 8, 2014

The meeting of the Incorporated Village of Sea Cliff was held on Monday, December 8, 2014, at 7:00 p.m. at Village Hall to discuss various Village matters.

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

Absent: Bruce Kennedy, Mayor

Welcome to the Board Meeting of December 8, 2014 of the Incorporated Village of Sea Cliff.

Deputy Mayor Vogt

Tim Madden led the assembly in the Pledge of Allegiance.

Deputy Mayor Vogt asked for a moment a silence for resident Arthur Leipezip, and Trustee Lieberman asked for a moment of silence for resident Emmy Britt.

Deputy Mayor Vogt opened a Public Hearing on the renewal and modification of a cabaret license for the Oak Room.

Christopher Doran , an owner of the restaurant, made a presentation to the Board.

The Public Hearing was opened for Public Comment:

- Residents in favor of the modification and renewal

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

On motion duly made by Deputy Mayor Vogt , seconded by Trustee Lieberman and approved unanimously by those present, the Board approved the issuance of a cabaret license to the Oak Room in accordance with the following findings and determination:

FINDINGS OF FACT AND DETERMINATION

1. GEORGE SCHIDLOVSKY and CHRISTOPHER DORAN are the operators of a restaurant business known as the Oak Room located at 242 Sea Cliff Avenue, Sea Cliff and designated as Section 21, Block 131, Lot 1373 on the Nassau County Land and Tax Map (the "Premises").

2. The Premises are presently improved with a two story building and the restaurant operates out of the first story.

3. Applicants request 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 in the restaurant at the Premises.

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4. Applicants submitted an application for the proposed license. As part of the submission, applicants included a Village building department Occupancy Certification permitting occupancy by not more than 40 persons, proof that the restaurant is a permitted use pursuant to a special permit issued by the Zoning Board of Appeals in December 2012, which permit expires on December 18, 2014, and a Nassau County Department of Health Food Establishment Restaurant Permit which expires on February 28, 2015.

5. The applicants presently play music at the Premises pursuant to a Cabaret License that is in effect through January 31, 2015. That license permits the applicants to play music on Wednesdays and Fridays from 7pm to 11pm subject to the conditions set forth in the license.

6. Applicants now seek to continue to utilize the license to provide music on 2 nights per week, but seek the flexibility of having that music on Thursday night in place of either Wednesday or Friday on a particular week.

7. Nearby residents addressed the application and made comments relating to the applicants' recent compliance with the conditions in the license relating to noise.

8. The Board of Trustees hereby adopts the following findings and conclusions:

- a. To use the Premises as proposed, an application must be made for a license pursuant to Chapter 50 of the Village Code.
- b. 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.
- c. 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.
- d. The Board hereby directs the Village Clerk to issue a License to applicants, George Schidlovsky and Christopher Doran,

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pursuant to the provisions of Village Code Chapter 50, subject
to the following conditions:

- i. Music shall be permitted on two nights per week, which may include Wednesday, Thursday and/or Friday nights from 7:00pm to 11:00pm;
- ii. 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;
- iii. No tables or chairs shall be moved to accommodate dancing while music is playing;
- iv. All music shall be performed inside the restaurant, and all musicians and equipment shall be located inside the building;
- v. No shows, other entertainment or karaoke of any nature is permitted;
- vi. No cover charge shall be permitted in connection with the music;
- vii. 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;
- viii. Musicians may be located inside the rear of the Premises so long as the other conditions herein are met;
- ix. Applicants shall obtain all necessary municipal approvals, and shall comply with all orders, rules,

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regulations and laws of municipal agencies, including the Nassau County Fire Marshal and Nassau County Department of Health; and

- x. All conditions and restrictions set forth in Village Code chapter 50
- e. The Zoning Board of Appeals issued a special permit to permit the use of the Premises as a restaurant. That permit expires December 18, 2014. As a condition of this approval, the applicants are required to obtain a special permit to continue to operate the Premises as a restaurant during the term of the license approved herein.
- f. Pursuant to Village Code §50-8, and subject to the condition that the Premises continue to be authorized as a restaurant use, the License shall be effective from February 1, 2015 through January 31, 2018, unless sooner terminated as provided herein or in Village Code §50-12.
- g. Based upon the representations of the applicants and the specific nature and intensity of the propose 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 current 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.

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9. 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.

Deputy Mayor Vogt appointed the following person to the positions for a term to expire April, 2016:

Vincent La Manna – alternate to the Planning Board

Trustee Lieberman moved that the appointment made by the Deputy Mayor be approved. Seconded by Trustee McGilloway and unanimously carried.

On a motion by Deputy Mayor Vogt, seconded by Trustee Villafane and unanimously approved by those present, the following Abstracts were approved:

Abstract 6.11.2014 in the amount of \$ 5,518.62
Abstract 7.11.2014 in the amount of \$ 4,531.10
Abstract 1.12.2014 in the amount of \$ 35,443.61
Abstract 2.12.2014 in the amount of \$ 221,406.44

On a motion by Deputy Mayor Vogt, seconded by Trustee Lieberman and unanimously approved by those present, the Board will hold a Public Hearing on Monday, January 12, 2015 at 7:00pm on Proposed Bill No. 1, Year 2014. A local law amending Chapter 121 of the Village Code of the Village of Sea Cliff to regulate the preservation and protection of trees in the Village of Sea Cliff.

Deputy Mayor Vogt offered the following resolutions for adoption:

RESOLUTION NO.64, YEAR 2014

RESOLVED, that the Department of Public Works Garage, 66 Altamont Avenue, Sea Cliff, N. Y. be the polling place for the Incorporated Village of Sea Cliff General Election to be held on Wednesday, March 18, 2015.

The polls shall be open from 12:00 noon to 9:00 p.m.

Seconded by Trustee Villafane and unanimously approved by those present.

RESOLUTION NO.65 , YEAR 2014

RESOLVED, that the following persons be appointed Inspectors of Election for the Annual Village Election to be held March 18, 2015:

INSPECTORS: Margaret Evans and Jean Stratford

POLL CLERKS: The Village Clerk to be authorized to hire Poll Clerks as required, and that the pay of these officials shall be at the rate of \$90.00 per day of service, that Jean Stratford is hereby appointed Chairman of Election Inspectors for a term of one year from this date, at the rate of \$110.00 per day of service.

Seconded by Trustee McGilloway and unanimously approved by those present.

The meeting was opened for Public Comment

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There was no Public Comment, and on a motion by Trustee Vogt, seconded by Trustee Villafane and unanimously approved by those present, the Public Meeting was closed.

Meeting adjourned at 7:50 p.m.

Marianne Lennon
Village Clerk