

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE HALL
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579

November 20, 2012

Present:	Chair	Kevin McGilloway
	Members	Dina Epstein
		Ted Kopczynski
		Jamie Weil
	Village Attorney	Brian Stolar

The meeting was called to order at 8:00 pm.

The Board opened the public hearing on the application of George Schidlovsky, 242 Sea Cliff Avenue, Sea Cliff to renew a special use permit for a restaurant. Premises are designated as Section 21, Block 131, Lot 6 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board noted that the draft scope that was to be prepared by 625 Main Street, LLC and filed with the Village no later than today was not submitted to the Village. The Board also noted that the original decision by the Board requiring the submission by the applicant of a draft scoping document was made on July 17, 2012, that such decision provided that the draft scoping document was to be submitted to the Village no later than September 10, 2012 and that the applicant was timely notified of such requirement. The applicant requested an extension of time to file the scoping document, and at the Board's September 11, 2012 meeting granted an extension to October 16, 2012. The applicant again requested an extension, and on October 23, 2012, the Board granted an extension to November 20, 2012. In granting those extensions, the Board specifically conditioned those extensions on the timely submission of a draft scope on or before the agreed extended submission

date, and that if the scope was not timely submitted the Board would deem the application abandoned. It has been several months since the original determination by the Board requiring applicant to submit a draft scoping document and sufficient time to prepare such document has been provided to the applicant. Accordingly, on motion duly made by Ms. Epstein, seconded by the Chair, and adopted unanimously, the Board deemed the application of 625 Main Street, LLC abandoned.

The Board discussed the environmental significance of the Schidlovsky application. After such discussion, on motion duly made by Mr. Kopczynski, seconded by Ms. Epstein, and adopted unanimously, the Board adopted the following resolution:

RESOLVED, that the Board hereby finds and concludes:

- a. the proposed action is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- b. the Board is the lead agency with respect to environmental review of this proposed action;
- c. the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - i. whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or any substantial increase in solid waste production, or create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;
 - iv. whether the proposed action would conflict with the community's current plans or goals as officially approved or adopted;
 - v. whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. whether the proposed action would result in a major change in the use of either the quantity or type of energy;

- vii. whether the proposed action would create a hazard to human health;
- viii. whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or its capacity to support existing uses;
- ix. whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- x. whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;
- xi. whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- xii. whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- d. the proposed action would not have a significant adverse environmental impact; and
- e. no further environmental review is required with respect to the proposed action.

There being no further business, the meeting was adjourned at 8:45 pm.