

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

February 19, 2013

Present: Chair Kevin McGilloway  
Members Noel Griffin  
Jamie Weil  
Village Attorney Brian Stolar

The meeting was called to order at 8:03 pm.

The Board opened the public hearing on the application of Wayne McCann, 219 Glen Cove Avenue, Sea Cliff, New York to renovate an existing building for use as an office and one dwelling unit, which requires (i) a special permit pursuant to Village Code §138-902, and (ii) variances of the following Village Code sections: (a) 138-905 to maintain a lot size of 4,492 square feet, where the minimum required size is 4,492 square feet; (b) 138-907 to maintain a front property line of 79.97 feet, where a minimum of 100 feet is required; (c) 138-908 to maintain a front yard setback of 4.55 feet, where the minimum required setback is 15 feet; (d) 138-910 to maintain a lot width of approximately 79 feet, where the minimum required is 100 feet; (e) 138-912 to maintain a side yard setback of 4.05 feet, where the required setback is 0 feet or a minimum of 10 feet; (f) 138-913 to maintain a rear yard setback of 0 feet, where the minimum required setback is 10 feet; (g) 138-917 to not include a buffer area, where a minimum buffer area of 20 feet is required; and (h) 138-1002 to provide three on-site parking spaces, where five on-site parking spaces are required. Premises

are designated as Section 21, Block 99, Lot 265 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of Doug and Karin Barnaby, 404 Littleworth Lane, Sea Cliff, New York to subdivide a lot with an existing non-conforming use into three residential lots and a private roadway, which requires variances of the following Village Code sections: (a) 138-501 and 138-1103 to increase an existing non-conformity of a property and use, where no such increase is permitted; (b) 138-506 to permit a front property line of 92.18 feet on one lot and 25.02 feet on another lot, where the minimum required front property line is 100 feet; (c) 138-509 to permit a lot width of 92.18 feet, where a minimum required width of 100 feet is required; (d) 138-511 to permit a side yard setback of 11 feet, where a minimum of 15 feet is required; (e) 138-512 to permit a rear yard setback of 20 feet, where a minimum of 30 feet is required; (f) 138-1002 and 138-1001(A) in that the required number of off-street parking spaces are not provided; and (g) 138-1007 in that (i) the proposed subdivision exacerbates an existing non-conforming condition by creating a property line with less than the required 4 foot setback, and (ii) the driveway depicted on parcel B exceeds the minimum permitted width of 25 feet. Premises are designated as Section 21, Block L1, Lot 306 on the Nassau County Land and Tax Map. The Board acknowledged that the environmental review process has not been completed as the applicant is going to be submitting additional documentation to the Planning Board. The Board continued the public hearing to March 19, 2013 at 8:00pm.

The Board discussed the McCann application.

There being no further business, the meeting was adjourned at 9:00 pm.

---

KEVIN MCGILLOWAY, CHAIR

## McCANN SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on February 19, 2013, on motion duly made by, seconded by, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Wayne McCann, 219 Glen Cove Avenue, Sea Cliff, New York applied to renovate an existing building for use as an office and one dwelling unit, which requires (i) a special permit pursuant to Village Code §138-902, and (ii) variances of the following Village Code sections: (a) 138-905 to maintain a lot size of 4,492 square feet, where the minimum required size is 4,492 square feet; (b) 138-907 to maintain a front property line of 79.97 feet, where a minimum of 100 feet is required; (c) 138-908 to maintain a front yard setback of 4.55 feet, where the minimum required setback is 15 feet; (d) 138-910 to maintain a lot width of approximately 79 feet, where the minimum required is 100 feet; (e) 138-912 to maintain a side yard setback of 4.05 feet, where the required setback is 0 feet or a minimum of 10 feet; (f) 138-913 to maintain a rear yard setback of 0 feet, where the minimum required setback is 10 feet; (g) 138-917 to not include a buffer area, where a minimum buffer area of 20 feet is required; and (h) 138-1002 to provide three on-site parking spaces, where five on-site parking spaces are required. Premises are designated as Section 21, Block 99, Lot 265 on the Nassau County Land and Tax Map (the "Subject Premises").
2. The applicant is owner of the Subject Premises. The applicant testified that the principal use of the Subject Premises is a real estate office, and that the apartment use is accessory to the principal use.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction is performed in accordance with the plans submitted with the application and all requirements of the building department; (b) the work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304; (c) any change in the principal

use shall require a new application for a special permit in accordance with the Village Code..

