

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

January 17, 2012

Present: Chair Kevin McGilloway  
Members Dina Epstein  
Ted Kopczynski  
Jamie Weil  
Superintendent  
of Buildings Andrew Lawrence  
Village Attorney Brian Stolar

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

The Board opened the public hearing on the application of Hank and Victoria Bjorklund, 76 Prospect Avenue, Sea Cliff, New York to install an emergency generator in a front yard, which requires variances of the following provisions of the Village Code: (a) 138-405 to maintain lot coverage of 3,808 square feet, where a maximum of 2,306 square feet is permitted; (b) 138-406 to maintain front property lines of 43.02 feet on Prospect Avenue and 51 feet on Cliff Way, where a minimum of 75 feet is required; (c) 138-409 to maintain an existing lot width less than required; (d) 138-411 to maintain buildings with less than the required setback; (e) 138-414.1 to maintain a floor area of 3,880 square feet, where a maximum of 2,383 square feet is permitted; and (f) 138-417 to install a generator that does not comply with permitted encroachments. Premises are designated as Section 21, Block F, Lot 1972 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Arlyn Dimatulac, 69 The Boulevard, Sea Cliff, New York to demolish an existing residence and construct a new dwelling which requires variances of the following provisions of the Village Code: (a) 138-505 to erect a dwelling with lot coverage of approximately 4,414 square feet, where a maximum of 3,288 square feet is permitted; (b) 138-506 to maintain front property lines of 40 feet on Foster Place and 80 feet on The Boulevard, where a minimum of 100 feet is required; (c) 138-507 to maintain a lot that does not comply with minimum lot width requirements; (d) 138-509 to erect a dwelling with less than the required lot width at the setback lines; (e) 138-511 to erect a dwelling with a side yard setback of 0.33 feet, where a minimum of 15 feet is required; (f) 138-513 to permit a dwelling with a height of 47.08 feet, where the maximum permitted height is 30 feet; (g) 138-513.1 to permit an encroachment into the height/setback ratio plane; (h) 138-514.1 to permit a floor area of 4,684 square feet, where the maximum permitted is 2,959.2 square feet; and (i) 138-516 to permit a sub-grade garage in a front yard that exceeds the allowable square footage for an accessory building. Premises are designated as Section 21, Block 197, Lot 8 on the Nassau County Land and Tax Map. The Board continued the public hearing to February 16, 2012 at 8:00pm.

The Board opened the public hearing on the application of Lauren Antorino Griffen, 21 Leonard Place, Sea Cliff, New York to construct a new second floor, new entrance porch and rear porch, and garage extension and renovate the first floor, which requires variances of the following provisions of the Village Code: (a) 138-505 to permit lot coverage of 5,512 square feet, where a

maximum of 3,538.2 square feet is permitted; (b) 138-511 to permit a side yard setback of 7 feet, where a minimum of 15 feet is required; (c) 138-513 to permit a ridge height of 33 feet, where a maximum of 30 feet is permitted; (d) 138-513.1 to permit an encroachment into the height/setback ratio plane; (e) 138-514.1 to permit a floor area of 3,973 square feet, where the maximum permitted is 3,184 square feet; (f) 115-2 to maintain a swimming pool 8 feet from the rear property line, where a minimum of 10 feet is required; and (g) A162-1 to maintain an existing pool patio 2 feet from the property line, where 3 feet is required. Premises are designated as Section 21, Block 95, Lot 318 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board reviewed documentation submitted by Steven Grapstein in connection with an application to remove an existing rear yard pool and install a new pool, deck and terrace. That documentation included plans that contain a notation that they were last revised on January 6, 2012. The public hearing on the Grapstein application had been closed subject to the submission of corrected plans. The Board deemed the record closed.

The Board discussed the environmental impacts of the Bjorklund application. After such discussion, on motion duly made by Ms. Epstein, seconded by Mr. Weil, and adopted unanimously, the Board determined that the action was a Type II matter under SEQRA, and required no further environmental review. After further discussion of the Bjorklund application, on motion duly made by Ms. Epstein, seconded by Mr. Weil, and adopted unanimously, the

Board granted the application in accordance with the short form decision annexed hereto.

The Board discussed the environmental impacts of the Griffen application. After such discussion, on motion duly made by Mr. Kopczynski, seconded by Mr. Weil, and adopted unanimously, the Board determined that the action was a Type II matter under SEQRA, and required no further environmental review. After further discussion of the Griffen application, on motion duly made by Mr. Kopczynski, seconded by Mr. Weil, and adopted unanimously, the Board granted the application in accordance with the short form decision annexed hereto.

The Board discussed the environmental impacts of the Grapstein application. After such discussion, on motion duly made by the Chair, seconded by Ms. Epstein, and adopted with three votes in favor and Mr. Weil abstaining, the Board determined that the action was a Type II matter under SEQRA, and required no further environmental review. After further discussion, on motion duly made by the Chair, seconded by Ms. Epstein, and adopted with three votes in favor and Mr. Weil abstaining, the Board granted the application in accordance with the short form decision annexed hereto.

The Board discussed a request by Maximo Bushfrers, 7 Highland Place, for an extension of time to complete work pursuant to variances previously granted by the Board. On motion duly made by the Chair, seconded by Ms. Epstein, and adopted unanimously, the Board granted the extension of time to a period of time that would conclude six months from the date of the filing of the

Minutes of the meeting with the Village Clerk. There being no further business, the meeting was adjourned at 10:58 pm.

### **BJORKLUND SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on January 17, 2012, on motion duly made by Ms. Epstein, seconded by Mr. Weil, 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. Hank and Victoria Bjorklund, 76 Prospect Avenue, Sea Cliff, New York applied to install an emergency generator in a front yard, which requires variances of the following provisions of the Village Code: (a) 138-405 to maintain lot coverage of 3,808 square feet, where a maximum of 2,306 square feet is permitted; (b) 138-406 to maintain front property lines of 43.02 feet on Prospect Avenue and 51 feet on Cliff Way, where a minimum of 75 feet is required; (c) 138-409 to maintain an existing lot width less than required; (d) 138-411 to maintain buildings with less than the required setback; (e) 138-414.1 to maintain a floor area of 3,880 square feet, where a maximum of 2,383 square feet is permitted; and (f) 138-417 to install a generator that does not comply with permitted encroachments. Premises are designated as Section 21, Block F, Lot 1972 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises.
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 in compliance with the plans submitted with the application and all requirements of the building department; and (b) within eighteen months after the filing of this decision with the Village Clerk, the applicant, or his successor in interest, shall obtain at

applicant's sole cost and expense all certificates of occupancy, completion or compliance that may be required for such work.

## **GRIFFEN SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on January 17, 2012, on motion duly made by Mr. Kopczynski, seconded by Mr. Weil, 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. Lauren Antorino Griffen, 21 Leonard Place, Sea Cliff, New York applied to construct a new second floor, new entrance porch and rear porch, and garage extension and renovate the first floor, which requires variances of the following provisions of the Village Code: (a) 138-505 to permit lot coverage of 5,512 square feet, where a maximum of 3,538.2 square feet is permitted; (b) 138-511 to permit a side yard setback of 7 feet, where a minimum of 15 feet is required; (c) 138-513 to permit a ridge height of 33 feet, where a maximum of 30 feet is permitted; (d) 138-513.1 to permit an encroachment into the height/setback ratio plane; (e) 138-514.1 to permit a floor area of 3,973 square feet, where the maximum permitted is 3,184 square feet; (f) 115-2 to maintain a swimming pool 8 feet from the rear property line, where a minimum of 10 feet is required; and (g) A162-1 to maintain an existing pool patio 2 feet from the property line, where 3 feet is required. Premises are designated as Section 21, Block 95, Lot 318 on the Nassau County Land and Tax Map.
2. The applicant is the record owners of the subject premises.
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 in compliance with the plans submitted with the application and all requirements of the building department; and (b) within eighteen months after the filing of this decision with the Village Clerk, the applicant, or his successor in interest, shall obtain at applicant's sole cost and expense all certificates of occupancy, completion or compliance that may be required for such work.

## **GRAPSTEIN SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on January 17, 2012, on motion duly made by the Chair, seconded by Ms. Epstein, and adopted with three votes in favor and Mr. Weil abstaining, 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. Steven Grapstein, 290 8<sup>th</sup> Avenue, Sea Cliff applied to remove an existing rear yard pool and install a new pool, deck and terrace, which requires variances of the following Village Code provisions: (a) 138-404 to maintain a lot size of 7,100 square feet where the minimum lot size required is 7,500 square feet; (b) 138-405 to increase lot coverage from 3,262.67 square feet to 3,990.97 square feet, where the maximum is 2,130 square feet; (c) 138-408 to maintain a setback of 8.5 feet, where the minimum required setback is 20 feet; and (d) 138-416(D) to install a pool deck and terrace which is 833 square feet, where the maximum permitted floor area for the pool deck and terrace is 500 square feet. Premises are designated as Section 21, Block 123, Lot 1557 on the Nassau County Land and Tax Map.
2. The applicant is the record owners of the subject premises.
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 in compliance with the plans submitted with the application and all requirements of the building department; and (b) within eighteen months after the filing of this decision with the Village Clerk, the applicant, or his successor in interest, shall obtain at applicant's sole cost and expense all certificates of occupancy, completion or compliance that may be required for such work.