

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

May 18, 2011

Present:	Chair	Kevin McGilloway
	Members	Dina Epstein
		Noel Griffin
		Ted Kopczynski
		Jamie Weil

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

The Board opened the public hearing on the application of Alan and Judith Mitzner, 145 Glenlawn Avenue, Sea Cliff, New York to construct a second story addition which requires variances of the following Village Code sections: (a) 138-513 to maintain an existing height of 37 feet, where a maximum of 30 feet is permitted; and (b) 138-514.1 to increase floor area from 6,412 square feet to 7,999.36 square feet, where the maximum permitted is 5,310.3 square feet. Premises are designated as Section 21, Block 109, Lot 208 on the Nassau County Land and Tax Map. As the applicants' architect was not present, the Board continued the hearing to later in the meeting.

The Board opened the public hearing on the application of Maximo Buschfrers, 7 Highland Place, Sea Cliff, New York to construct first floor renovations and a new second story and maintain an accessory tree house, which construction requires variances of the following Village Code sections: (a) 138-506 to maintain a front line width of 68 feet, where a minimum of 100 feet is required; (b) 138-511 to permit side yard setbacks of 14 feet and 7.5 feet, where

a minimum of 15 feet is required; (c) 138-514.1 to enlarge an existing 2,690 square foot structure to 4,140 square feet, where the maximum permitted floor area is 2,900.6 square feet; and (d) 138-516 to maintain a free standing tree house in excess of the permitted height. Premises are designated as Section 21, Block 178, Lot 319 on the Nassau County Land and Tax Map. With regard to the portion of the application related to the renovations to the residence, the Board closed the hearing, and reserved decision. As to the tree house and the variance of Village Code §138-516, the Board continued the public hearing to June 21, 2011 at 8:00pm at Village Hall.

The Board continued the public hearing on the Mitzner application. The Board closed the hearing, and reserved decision.

The Board discussed the Buschfrers application as it relates to the renovations and additions to the dwelling. After such discussion, on motion duly made by Mr. Kopczynski, seconded by Ms. Epstein, and adopted unanimously, the Board determined that it is the lead agency, the portion of the application related to the residence is a Type II matter under SEQRA which requires no further environmental review, and granted that portion of the application in accordance with the decision annexed hereto.

The Board discussed the Mitzner application. After such discussion, on motion duly made by Mr. Griffin, seconded by the Chair and Mr. Weil abstaining, with four votes in favor and one abstention, the Board determined that it is the lead agency, the application is a Type II matter under SEQRA which requires no

further environmental review, and granted the application in accordance with the decision annexed hereto.

At 8:50pm, on motion duly made by Mr. Kopczynski, seconded by Mr. Griffin, and adopted unanimously, the Board convened in executive session for the purpose of obtaining legal advice and to discuss matters related to proposed litigation. At 8:59pm, the Board returned to the open session.

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

### **BUSCHFRERS SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on May 18, 2011, on motion duly made by Mr. Kopczynski, seconded by Ms. Epstein, 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. Maximo Buschfrers, 7 Highland Place, Sea Cliff, New York applied to construct first floor renovations and a new second story and maintain an accessory tree house, which construction requires variances of the following Village Code sections: (a) 138-506 to maintain a front line width of 68 feet, where a minimum of 100 feet is required; (b) 138-511 to permit side yard setbacks of 14 feet and 7.5 feet, where a minimum of 15 feet is required; (c) 138-514.1 to enlarge an existing 2,690 square foot structure to 4,140 square feet, where the maximum permitted floor area is 2,900.6 square feet; and (d) 138-516 to maintain a free standing tree house in excess of the permitted height. Premises are designated as Section 21, Block 178, Lot 319 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.

4. The addition is only proposed to be constructed over an existing first floor area.
5. 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.
6. Variances of Village Code sections 138-506, 138-511 and 138-514.1, as requested in the application are 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.
7. The variance of Village Code §138-516 is not included in this approval, as the hearing on that request has been continued.

### **MITZNER SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on May 18, 2011, on motion duly made by Mr. Griffin, seconded by the Chair, and adopted four votes in favor with 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. Alan and Judith Mitzner, 145 Glenlawn Avenue, Sea Cliff, New York applied to construct a second story addition which requires variances of the following Village Code sections: (a) 138-513 to maintain an existing height of 37 feet, where a maximum of 30 feet is permitted; and (b) 138-514.1 to increase floor area from 6,412 square feet to 7,999.36 square feet, where the maximum permitted is 5,310.3 square feet. Premises are designated as Section 21, Block 109, Lot 208 on the Nassau County Land and Tax Map.
2. The applicant is the record owner 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.
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