

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

June 21, 2011

Present: Members Dina Epstein
 Noel Griffin
 Ted Kopczynski
 Jamie Weil

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

In the absence of the Chair, on motion duly made by Mr. Kopczynski, seconded by Mr. Griffin, and adopted unanimously, the Board designated Ms. Epstein to serve as Acting Chair for the meeting.

The Board opened the continued public hearing on the application of Maximo Buschfrers, 7 Highland Place, Sea Cliff, New York to maintain a free standing accessory tree house in excess of the height permitted under Village Code §138-516. Premises are designated as Section 21, Block 178, Lot 319 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 Joseph and Annette Marra, 68 Franklin Avenue, Sea Cliff, New York to install new air conditioning condenser units with less than the required side yard setback of 15 feet. Premises are designated as Section 21, Block 98, Lot 12 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of GCA Sea Cliff Realty LLC, as owner, 347 Glen Cove Avenue, Sea Cliff, New York to renovate existing commercial space into a restaurant, which renovation requires a special use permit. Premises are designated as Section 21, Block 78, Lot 23 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board indicated that the application of Rockview Corp., 365 Glen Cove Avenue, Sea Cliff, New York to construct one new residential second floor apartments over an existing building is adjourned to July 19, 2011 as the required notice was not timely served by the applicant.

The Board opened the hearing on the application of Pericles Cyprus, 60 Park Place, Sea Cliff, New York to subdivide property into two dwelling lots and erect a new dwelling on one of the lots, which requires variances of the following Village Code sections: (a) 138-404 to create new lots with respective lot areas of 3,200 square feet and 4,600 square feet, where a minimum of 7,500 square feet per lot is required; (b) 138-406 in that one of the lots will have a front property line width of 40 feet, where a minimum of 75 feet is required; (c) 138-408 to maintain a front property line setback of 10.5 and 15.3 feet on one lot and create a front property line setback of 16 feet on the second lot; (d) 138-409 to maintain a lot width at the setback line of 40 feet, where the minimum required width is 75 feet; (e) 138-413.1 to maintain and create encroachments into the height/setback ratio plane; and (f) 138-414.1 to maintain and create floor areas of each dwelling in excess of the permitted floor area. Premises are designated as Section 21,

Block 160, Lot 939 on the Nassau County Land and Tax Map. The Board noted that the proposed action was an Unlisted Action under SEQRA, and continued the public hearing to July 19, 2011.

The Board opened the public hearing on the application of Daniel Johnson, 92 DuBois Avenue, Sea Cliff, New York to enlarge a driveway and maintain existing driveway setback which requires a variance of Village Code §138-1007(H) in that the curb cut will not be separated from another curb cut where the minimum required separation distance is 8 feet and 0.5 feet from the property line where a minimum setback of 4 feet is required. Premises are designated as Section 21, Block 178, Lot 319 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board discussed the Johnson application. After such discussion, on motion duly made by Mr. Griffin, seconded by the Acting Chair, and adopted unanimously, 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.

The Board discussed the GCA Sea Cliff Realty application. After such discussion, on motion duly made by the Acting Chair, seconded by Mr. Kopczynski, and adopted unanimously, 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.

The Board discussed the Marra application. After such discussion, on motion duly made by Mr. Weil, seconded by Mr. Griffin, and adopted unanimously, 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.

The Board discussed the Buschfrers application. After such discussion, on motion duly made by Mr. Griffin, seconded by Mr. Weil, and adopted three votes in favor, and the Acting Chair opposed, 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.

The Board discussed the environmental significance of the Cyprus application. After such discussion, on motion duly made by Mr. Griffin, seconded by the Acting Chair, 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 no further environmental review is required with respect to the proposed action.

There being no further business, the meeting was adjourned at 10:30 pm.

JOHNSON SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 21, 2011, on motion duly made by Mr. Griffin, seconded by the Acting Chair, 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. Daniel Johnson, 92 DuBois Avenue, Sea Cliff, New York applied to enlarge a driveway and maintain existing driveway setback which requires a variance of Village Code §138-1007(H) in that the curb cut will not be separated from another curb cut where the minimum required separation distance is 8 feet and 0.5 feet from the property line where a minimum setback of 4 feet is required. 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 driveway enlargement does not change the existing non-conforming non-compliance.
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. 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.

GCA SEA CLIFF REALTY SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 21, 2011, on motion duly made by the Acting Chair, seconded by Mr. Kopczynski, 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. GCA Sea Cliff Realty LLC, as owner, 347 Glen Cove Avenue, Sea Cliff, New York applied to renovate existing commercial space into a restaurant, which renovation requires a special use permit. Premises are designated as Section 21, Block 78, Lot 23 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises. The proposed restaurant will comply with all requirements of the Village Code, New York State Uniform Building Code, Nassau County Health Department, New York State Agriculture and Markets, and all federal, state and local agencies. This determination does not authorize the placement of any outdoor seating, as the tenant advised the Board that no such seating is being provided. The restaurant hours will be no longer than 11am to 10pm on Sunday through Thursday and 11am to midnight on Fridays and Saturdays.
3. The requested relief involves less than 4,000 square feet of converted retail space, requires no variances or a zone change, and therefore 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; (b) seating shall be limited to the proposed seating for 58 patrons and there shall be no outdoor seating, (c) the restaurant hours shall be no longer than 11am to 10pm on Sundays through Thursdays and 11am to midnight on Fridays and Saturdays, (d) any proposed changes to the number of seats, use of the outdoor area for seating or hours of operation or otherwise intensifies or increases the usage or the parking requirements or the potential impacts of the premises shall require approval of this Board, (e) there shall be no

outside storage of supplies, equipment, materials or any other items used in connection with the restaurant, (f) no noise, fumes, or similar sources of nuisance are to emanate in a manner as to be unreasonably annoying to surrounding property owners, (g) loitering outside of the restaurant is prohibited, (h) cooking equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, parking area, alleys, sidewalks, neighboring properties or storm sewers, (i) prior to issuance of a certificate of occupancy, the applicant shall obtain full approval, if necessary, from the Nassau County Department of Health and all other agencies for the preparation of food and any required modifications to the septic or water systems, (j) any fire sprinkler system and use of the premises for cooking purposes shall conform to applicable NFPA requirements, as determined by the Building Superintendent or any municipal agency with jurisdiction, (k) no trash or debris from the restaurant shall be stored outside unless placed in fully enclosed and sealed garbage disposal receptacles. Such receptacles shall be sanitized in a manner so as not to permit odors to emanate outside such receptacles. No such receptacles shall be visible from Summit, Central or Sea Cliff Avenues, and (l) 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.

6. Because of the potential of abuse which the proposed special permit use presents if not supervised correctly and the resultant adverse impacts on the surrounding property owners and the Village and its residents that could result, this Board, mindful of its responsibilities to protect nearby residents from over commercialization of the area and other potential adverse impacts and the limited ability of the applicant and/or operator to completely control the adverse impact which the business may generate, will grant the special permit to operate as proposed for a period of three (3) years commencing on the date that this decision is filed with the Village Clerk. The special permit shall be limited to the operation of a restaurant by the applicant, and any change in ownership shall require a new application to this Board for a special permit. To extend the special permit, prior to the expiration of the three (3) year period, but in no event sooner than four months prior to said date, the applicant, if it desires to continue the use of the premises in the manner proposed by the application, shall reapply to the Board having jurisdiction for a renewal of the special permit. The application shall be made in a timely manner so as to permit this Board to render its decision prior to the expiration of the aforesaid

three (3) year time period. The provisions of this paragraph shall constitute a condition of this decision.

MARRA SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 21, 2011, on motion duly made by Mr. Weil, seconded by Mr. Griffin, 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. Joseph and Annette Marra, 68 Franklin Avenue, Sea Cliff, New York applied to install new air conditioning condenser units with less than the required side yard setback of 15 feet. Premises are designated as Section 21, Block 98, Lot 12 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; b) the units are screened for noise attenuation purposes and from visibility from any public way in accordance with any requirements of the Superintendent of Buildings; and (c) 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.

BUSCHFRERS SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 21, 2011, on motion duly made by Mr. Griffin, seconded by Mr. Weil, and adopted three votes in favor and the Acting Chair opposed, 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 maintain a free standing accessory tree house in excess of the height permitted under Village Code §138-516.
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 tree house addition is 15 feet, 5 inches at the highest point. This height is the top height of the supporting poles.
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. The relief requested in the application with regard to the tree house, 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.