

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

July 19, 2011

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

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

The Board opened the continued public 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 Nassau County Planning

Commission had not yet responded to the Board's referral and the time to do so had not elapsed. Accordingly, the public hearing was continued to September 20, 2011 at 8:00 pm (as the applicant is unavailable on the Board's August meeting date).

The Board opened the public hearing on the application of Lawrence and Mary Ann Maier, 49 Adams Street, Sea Cliff for a variance of Village Code §138-416 to erect a deck in a front yard, where no such accessory structure is permitted. Premises are designated as Section 21, Block 177, Lot 431 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 Katharine Rondeau, 47 15th Avenue, Sea Cliff, New York to construct a rear second story addition, enclose an existing front porch and extend a deck, which requires variances of the following sections of the Village Code: (a) 138-404 in that the existing lot size is 4,800 square feet, where the minimum permitted lot size is 7,500 square feet; (b) 138-408 to maintain a front yard setback, and create a front yard setback, of 4.5 feet, where the minimum required setback is 20 feet; (c) 138-411 to maintain a side yard setback of 9.6 feet, where a minimum of 10 feet is required; (d) 138-412 to maintain a rear yard setback of 10.8 feet, where a minimum of 20 feet is required; (e) 138-413 to maintain a building height of 30.58 feet, where the maximum permitted height is 30 feet; and (f) 138-413.1 to increase the height/setback ratio. Premises are designated as Section 21, Block

150, Lot 650 and 651 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 Sophia Cicchetti, 184 Carpenter Avenue, Sea Cliff for a variance of Village Code §138-516 to maintain two sheds in a front yard, where no such accessory structure is permitted. Premises are designated as Section 21, Block 92, Lot 206 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 Rockview Corp., 365 Glen Cove Avenue, Sea Cliff, New York to construct one new residential second floor apartments over an existing building, which requires variances of the following sections of the Village Code: (a) 138-905 in that the lot is only 5,500 square feet, where a minimum of 15,000 square feet is required; (b) 138-907 in that the front property line is only 55 feet, where a minimum of 100 feet is required; (c) 138-910 in that the lot width is only 55 feet, where a minimum of 100 feet is required; (d) 138-913 in that the rear yard setback is 2 feet, where a minimum of 20 feet is required; (e) 138-914 in that the height of the building will be 36.5 feet, where the maximum permitted height is 35 feet; (f) 138-917 in that a buffer area of 20 feet is required and the rear yard setback is only 2 feet; and (g) 138-1002 in that there are 6 parking spaces provided, but 11 spaces are required. The proposed mixed use incorporating the new residential dwelling unit requires a special permit from the Board pursuant to Village Code §§138-802 and 902. Premises are designated as Section 21, Block 78, Lot 11 on the

Nassau County Land and Tax Map. The Board noted that the application was an Unlisted matter under SEQRA, and continued the public hearing to August 16, 2011 at 8:00pm.

The Board discussed the Maier application. After such discussion, on motion duly made by Mr. Kopczynski, 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 Rondeau application. After such discussion, on motion duly made by Mr. Kopczynski, 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 Cicchetti application. After such discussion, on motion duly made by Mr. Griffin, seconded by Mr. Weil, 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 environmental significance of the Rockview Corp. application. After such discussion, on motion duly made by the Chair, seconded by Mr. Kopczynski, 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 9:20 pm.

MAIER SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2011, on motion duly made by Mr. Kopczynski, 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. Lawrence and Mary Ann Maier, 49 Adams Street, Sea Cliff applied for a variance of Village Code §138-416 to erect a deck in a front yard, where no such accessory structure is permitted. Premises are designated as Section 21, Block 177, Lot 431 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 subject premises has 3 front yards and the deck does not require any variances other than its location in the front yard.

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 applicants, or their successor in interest, shall obtain at applicants' sole cost and expense all certificates of occupancy, completion or compliance that may be required for such work.

RONDEAU SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2011, on motion duly made by Mr. Kopczynski, 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. Katharine Rondeau, 47 15th Avenue, Sea Cliff, New York applied to construct a rear second story addition, enclose an existing front porch and extend a deck, which requires variances of the following sections of the Village Code: (a) 138-404 in that the existing lot size is 4,800 square feet, where the minimum permitted lot size is 7,500 square feet; (b) 138-408 to maintain a front yard setback, and create a front yard setback, of 4.5 feet, where the minimum required setback is 20 feet; (c) 138-411 to maintain a side yard setback of 9.6 feet, where a minimum of 10 feet is required; (d) 138-412 to maintain a rear yard setback of 10.8 feet, where a minimum of 20 feet is required; (e) 138-413 to maintain a building height of 30.58 feet, where the maximum permitted height is 30 feet; and (f) 138-413.1 to increase the height/setback ratio. Premises are designated as Section 21, Block 150, Lot 650 and 651 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises.
3. The additions are small and in context with the residence and the lot configuration and size.
4. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
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 her 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.

CICCHETTI SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2011, on motion duly made by Mr. Griffin, 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. Sophia Cicchetti, 184 Carpenter Avenue, Sea Cliff applied for a variance of Village Code §138-516 to maintain two sheds in a front yard, where no such accessory structure is permitted. Premises are designated as Section 21, Block 92, Lot 206 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 applicant has limited space to locate the sheds in the rear yard, as the dwelling is located in the rear of the property. The sheds, with the current landscaping, are not easily visible from the public streets.
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 the applicant, or her successor in interest, obtains all required permits and/or certificates for said sheds within eighteen months after the filing of this decision with the Village Clerk.