

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

February 25, 2014

Present:	Chair	Dina Epstein, Esq.
	Members	Kevin McGilloway
		Noel Griffin
		Ted Kopczynski
	Alternate Member	James Toner, Esq.
	Village Attorney	Brian S. Stolar, Esq.

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

The Board opened the public hearing on the application of Steven and Mary Ellen Kerr, 166 Littleworth Lane, Sea Cliff to construct an addition and make a portion of an existing enclosed porch into habitable space, which construction requires variances of the following Village Code sections: (a) 138-404 to maintain a lot size of 4,533 square feet, where a minimum of 7,500 square feet is required; (b) 138-408 to maintain a side yard setback of 2.7 feet, where the minimum required is 20 feet; (c) 138-412 to maintain a rear yard setback of 9.6 feet, where the minimum required is 20 feet; (d) 138-413.1 to maintain encroachments into the height/setback ratio planes on the northern, southern and eastern planes; (e) 138-414.1 to permit a floor area of 1,815 square feet, where a maximum of 1,722 square feet is permitted; and (f) 138-1102 to permit an increase in the non-conformity of the building, where no such increase is permitted. Premises are designated as Section 21, Block 186, Lot 150 on the

Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board discussed the status of the VIP Auto application. At the last meeting, the Board granted VIP Auto's request for additional time to submit a draft scoping document. The Board had granted the request for an extension of time to submit the document through February 18, 2014, and noted that this was a final extension and that if the applicants failed to timely submit the document the application would be deemed abandoned. The applicants have failed to submit a draft scoping document. Accordingly, the Board deems the application abandoned.

The Board discussed the Kerr application. On motion duly made by Mr. Griffin, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that the Kerr application is a Type II matter under SEQRA which requires no further environmental review, authorized the Chair to complete and execute the portions of the short environmental assessment form concluding that the proposed action will not result in any significant environmental impact, and granted the application in accordance with the short form decision annexed hereto.

The Board noted that the March meeting of the Board would be held on March 25, 2014 at 8:00pm.

At 8:17pm, on motion duly made by the Chair, seconded by Mr. McGilloway, the Board voted to convene in executive session to discuss pending

litigation. Only the Board members and counsel were present during such discussion.

At 9:10pm, on motion duly made by the Chair, seconded by Mr. McGilloway, the Board voted to reconvene in public session.

There being no further business, the meeting was adjourned at 9:10 pm.

DINA EPSTEIN, CHAIR

KERR SHORT FORM DECISION
(as authorized by Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on February 25, 2014, on motion of Mr. Griffin 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. Steven and Mary Ellen Kerr, 166 Littleworth Lane, Sea Cliff applied to construct an addition and make a portion of an existing enclosed porch into habitable space, which construction requires variances of the following Village Code sections: (a) 138-404 to maintain a lot size of 4,533 square feet, where a minimum of 7,500 square feet is required; (b) 138-408 to maintain a side yard setback of 2.7 feet, where the minimum required is 20 feet; (c) 138-412 to maintain a rear yard setback of 9.6 feet, where the minimum required is 20 feet; (d) 138-413.1 to maintain encroachments into the height/setback ratio planes on the northern, southern and eastern planes; (e) 138-414.1 to permit a floor area of 1,815 square feet, where a maximum of 1,722 square feet is permitted; and (f) 138-1102 to permit an increase in the non-conformity of the building, where no such increase is permitted. Premises are designated as Section 21, Block 186, Lot 150 on the Nassau County Land and Tax Map.
2. The applicants are the record owners of the subject premises. Under the circumstances, the encroachment of floor area is minimal.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The application was referred to the Nassau County Planning Commission in accordance with the streamlining agreement between the Village and the Planning Commission, and no response was received from the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, and (b) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

Dina Epstein, Chair

Filed in the Office of the Village Clerk
the day of February 2014

Marianne Lennon, Village Clerk