

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

April 16, 2013

|          |                  |                |
|----------|------------------|----------------|
| Present: | Chair            | Dina Epstein   |
|          | Members          | Noel Griffin   |
|          |                  | Ted Kopczynski |
|          |                  | Jamie Weil     |
|          | Alternate        |                |
|          | Member           | James Toner    |
|          | Village Attorney | Brian Stolar   |

The meeting was called to order at 8:02 pm.

The Board opened the public hearing on the application of Greg and Allison Lerman, 173 16<sup>th</sup> Avenue, Sea Cliff, New York to install an emergency generator in a front yard, where no such structure is permitted in accordance with Village Code §138-416. Premises are designated as Section 21, Block 152, Lot 36 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 Wayne McCann, 219 Glen Cove Avenue, Sea Cliff, New York to renovate an existing building for use as an office and one dwelling unit, which requires (i) a special permit pursuant to Village Code §138-902, and (ii) variances of the following Village Code sections: (a) 138-905 to maintain a lot size of 4,492 square feet, where the minimum required size is 4,492 square feet; (b) 138-907 to maintain a front property line of 79.97 feet, where a minimum of 100 feet is required; (c) 138-908 to maintain a front yard setback of 4.55 feet, where the minimum

required setback is 15 feet; (d) 138-910 to maintain a lot width of approximately 79 feet, where the minimum required is 100 feet; (e) 138-912 to maintain a side yard setback of 4.05 feet, where the required setback is 0 feet or a minimum of 10 feet; (f) 138-913 to maintain a rear yard setback of 0 feet, where the minimum required setback is 10 feet; (g) 138-917 to not include a buffer area, where a minimum buffer area of 20 feet is required; and (h) 138-1002 to provide three on-site parking spaces, where five on-site parking spaces are required. Premises are designated as Section 21, Block 99, Lot 265 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 Karen Boblely, 6 Raymond Court, Sea Cliff, New York to construct a deck 9.58 feet from a side property line, where a minimum of 15 feet is required in accordance with Village Code §138-511. Premises are designated as Section 21, Block 30-1, Lot 519 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of Doug and Karin Barnaby, 404 Littleworth Lane, Sea Cliff, New York to subdivide a lot with an existing non-conforming use into three residential lots and a private roadway, which requires variances of the following Village Code sections: (a) 138-501 and 138-1103 to increase an existing non-conformity of a property and use, where no such increase is permitted; (b) 138-506 to permit a front property line of 92.18 feet on one lot and 25.02 feet on another lot, where the minimum required front property line is 100 feet; (c) 138-509 to permit a lot width of 92.18

feet, where a minimum required width of 100 feet is required; (d) 138-511 to permit a side yard setback of 11 feet, where a minimum of 15 feet is required; (e) 138-512 to permit a rear yard setback of 20 feet, where a minimum of 30 feet is required; (f) 138-1002 and 138-1001(A) in that the required number of off-street parking spaces are not provided; and (g) 138-1007 in that (i) the proposed subdivision exacerbates an existing non-conforming condition by creating a property line with less than the required 4 foot setback, and (ii) the driveway depicted on parcel B exceeds the minimum permitted width of 25 feet. The applicants also appeal portions of the Superintendent of Buildings determination. Premises are designated as Section 21, Block L1, Lot 306 on the Nassau County Land and Tax Map. The Board indicated that the Planning Board issued a conditioned negative declaration at its April meeting, and that the comment period for any persons or agencies to submit comments relating to the conditioned negative declaration would be at least 30 days. The Board continued the public hearing to May 21, 2013 at 8:00pm.

The Board opened the public hearing on the application of Jeffrey Picciullo, 188 Maple Avenue, Sea Cliff, New York for variances from the following Village Code sections: (a) 138-408 in that the front yard setback will be 16.2 feet, where a minimum of 20 feet is required; (b) 138-411 to maintain an existing side yard setback of 5.87 feet, where a minimum of 10 feet is required; (c) 138-413.1 in that the addition will encroach into the front yard height/setback plane; and (d) 138-416 to maintain and enlarge a garage in a front yard, where no such structure is permitted. Premises are designated as Section 21, Block 138, Lot

1152 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of Peter Smorto, Sea Cliff, New York to acquire Carpenter Place, incorporate portions of Carpenter Place into two (2) existing lots, which requires variances of the following provisions of the Village Code: (a) 138-506 to permit front property lines of 54.6 feet, 59.73 feet, and 39.57 feet, where the minimum required for each property line is 100 feet; (b) 138-507 to create a substandard lot width; and (c) 138-1201(C)(1) and 138-1203 to develop an existing substandard lot. Premises are designated as Carpenter Place, Section 21, Block 87, Lots 76A and B, and Section 21, Block 89, Lots 69 and 135 on the Nassau County Land and Tax Map. The Board noted that it had not received responses from potential interested agencies, and could not take any action as the time to respond had not yet lapsed. The Board continued the public hearing to May 21, 2013 at 8:00pm.

The Board discussed the Lerman application. On motion duly made by Mr. Griffin, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that the Lerman application is a Type II matter under SEQRA which requires no further environmental review and that the application for a variance is granted in accordance with the short form decision annexed hereto.

The Board discussed the McCann application. On motion duly made by Mr. Weil, seconded by the Chair, and adopted unanimously, the Board determined that the McCann application is a Type II matter under SEQRA which

requires no further environmental review and that the application for variances is granted in accordance with the short form decision annexed hereto.

The Board discussed the Bobley application. On motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that the Bobley application is a Type II matter under SEQRA which requires no further environmental review and that the application for a variance is granted in accordance with the short form decision annexed hereto.

The Board discussed the Piciullo application. On motion duly made by Mr. Griffin, seconded by Mr. Weil, and adopted unanimously, the Board determined that the Piciullo application is a Type II matter under SEQRA which requires no further environmental review and that the application for variances is granted in accordance with the short form decision annexed hereto.

The Board discussed the request of Sea Cliff Bistro to waive a public hearing and grant an extension of the special permit previously granted by the Board. The Board noted that no complaints have been received by the Village concerning the operation of Sea Cliff Bistro. The prior special permit was granted for a period of one (1) year. On motion duly made by Mr. Kopczynski, seconded by the Chair, and adopted unanimously, the Board determined that the request is a Type II matter Under SEQRA which requires no further environmental review, the requirement of a public hearing be waived, and the special permit be extended for a period of one (1) year from the date that this decision is filed with the Village Clerk.

The Board discussed the request of Il Villagio to waive a public hearing and grant an extension of the special permit previously granted by the Board. The Board noted that no complaints have been received by the Village concerning the operation of Il Villagio. The prior special permit had been granted for a period of three (3) years. On motion duly made by Mr. Kopczynski, seconded by the Chair, and adopted unanimously, the Board determined that the request is a Type II matter Under SEQRA which requires no further environmental review, the requirement of a public hearing be waived, and the special permit be extended for a period of three (3) years from the date that this decision is filed with the Village Clerk.

The Board discussed parking concerns with the Superintendent of Buildings relating to the operation of Grimaldi's restaurant, which had received approval from the Board. The Superintendent of Buildings informed the Board that the issues relating to parking currently are under review.

There being no further business, the meeting was adjourned at 9:30 pm.

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## LERMAN SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on April 16, 2013, 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. Greg and Allison Lerman, 173 16<sup>th</sup> Avenue, Sea Cliff, New York applied to install an emergency generator in a front yard, where no such structure is permitted in accordance with Village Code §138-416. Premises are designated as Section 21, Block 152, Lot 36 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 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 generator is installed in the location proposed, (b) plantings that restrict view of the generator from the public right-of-way and neighboring properties shall be maintained for as long as the generator unit shall remain in the location proposed and shall be replaced in kind if they become dead, damaged or diseased, (c) the generator be used only for emergency purposes, and (d) the work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.
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## MCCANN SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on April 16, 2013, on motion of Mr. Weil, seconded by the 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. Wayne McCann, 219 Glen Cove Avenue, Sea Cliff, New York applied to renovate an existing building for use as an office and one dwelling unit, which requires (i) a special permit pursuant to Village Code §138-902, and (ii) variances of the following Village Code sections: (a) 138-905 to maintain a lot size of 4,492 square feet, where the minimum required size is 4,492 square feet; (b) 138-907 to maintain a front property line of 79.97 feet, where a minimum of 100 feet is required; (c) 138-908 to maintain a front yard setback of 4.55 feet, where the minimum required setback is 15 feet; (d) 138-910 to maintain a lot width of approximately 79 feet, where the minimum required is 100 feet; (e) 138-912 to maintain a side yard setback of 4.05 feet, where the required setback is 0 feet or a minimum of 10 feet; (f) 138-913 to maintain a rear yard setback of 0 feet, where the minimum required setback is 10 feet; (g) 138-917 to not include a buffer area, where a minimum buffer area of 20 feet is required; and (h) 138-1002 to provide three on-site parking spaces, where five on-site parking spaces are required. Premises are designated as Section 21, Block 99, Lot 265 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 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, (b) the dwelling unit shall remain one dwelling unit and shall be used solely as accessory to the principal use of an office on the premises; and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

## **BOBLEY SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on April 16, 2013, on motion of the 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. Karen Bobley, 6 Raymond Court, Sea Cliff, New York applied to construct a deck 9.58 feet from a side property line, where a minimum of 15 feet is required in accordance with Village Code §138-511. Premises are designated as Section 21, Block 30-1, Lot 519 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 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.

## PICIULLO SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on April 16, 2013, on motion of 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. Jeffrey Piciullo, 188 Maple Avenue, Sea Cliff, New York applied to construct additions to a single family residence and modifications to an existing detached garage, which work requires variances from the following Village Code sections: (a) 138-408 in that the front yard setback will be 16.2 feet, where a minimum of 20 feet is required; (b) 138-411 to maintain an existing side yard setback of 5.87 feet, where a minimum of 10 feet is required; (c) 138-413.1 in that the addition will encroach into the front yard height/setback plane; and (d) 138-416 to maintain and enlarge a garage in a front yard, where no such structure is permitted. Premises are designated as Section 21, Block 138, Lot 1152 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises. The applicant previously sought approval from the Board for a larger project. The Board denied that project, and the current proposal reduces the bulk and massing that were evident in the previous proposal. The revised proposal also reduced potential impacts on waterviews for adjoining property owners.
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.