

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

June 17, 2014

Present:	Chair	Dina Epstein, Esq.
	Members	Ted Kopczynski
		Amy Marion, Esq.
	Village Attorney	Brian S. Stolar, Esq.

The meeting was called to order at 8:15 pm.

The Chair noted that Cynthia Young had requested an adjournment of the continued public hearing for premises located at 22 Bathway Steps, and that the hearing would be continued to July 15, 2014 at 8:00pm.

The Board opened the public hearing on the application of Michael and Kelly Butler, 21 Prospect Avenue, Sea Cliff to install an air conditioner condensing unit in a side yard, which installation requires a variance of Village Code §138-517. Premises are designated as Section 21, Block 117, Lot 3 on the Nassau County Land and Tax Map. Applicants were not present, and the Board noted that the hearing would be recalled later in the meeting.

The Board opened the public hearing on the application of Joseph Basile, Jr., 76 Ransom Avenue, Sea Cliff, New York to construct a second story addition and a garage below the first story, and enclose a rear patio, which proposal requires variances of the following Village Code sections: (a) 138-511 to maintain side yard setbacks of 10.65 and 14.05 feet, where the minimum required setback

is 15 feet; (b) 138-513 to permit a height of 30.1 feet, where the maximum permitted is 30 feet; (c) 138-513.1 to permit an encroachment into the height-setback ratio where no such encroachment is permitted; and (d) 138-514.1 to permit a floor area ratio of 29%, where the maximum permitted is 27%. Premises are designated as Section 21, Block 147, Lots 38 and 41 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 Manish and Pooja Vira, 328 Carpenter Avenue, Sea Cliff, New York to reconstruct a residence, which construction requires variances of the following Village Code sections: (a) 138-513 to maintain a height of 38.6 feet where a maximum of 30 feet is permitted; (b) 138-514.1 to increase the floor area to 5,688 square feet, where a maximum of 4,389 square feet is permitted; and (c) 138-516 to maintain a side yard setback of 12.9 feet, where a minimum of 15 feet is required. Premises are designated as Section 21, Block 60, Lot 256 on the Nassau County Land and Tax Map. The applicants were represented by William Wall, architect. The Board continued the public hearing to July 15, 2014 at 8:00pm.

The Board opened the public hearing on the application of Alex Schestopalow, 34 Club Road, Sea Cliff, New York to construct a covered porch, which construction requires variances of the following Village Code sections: (a) 138-606 to maintain a lot line length of 75 feet, where the minimum permitted is 100 feet; (b) 138-609 to maintain lot width at the setback line of 75 feet, where a minimum of 100 feet is required; (c) 138-611 to maintain side yards of 7 and 10

feet and create a side yard of 8.5 feet, where a minimum of 15 feet is required; (d) 138-613.1 to maintain an encroachment into the height setback ratio plane; and (e) to increase a non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 67, Lot 44 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 Raymond Derrien, 3 Barberry Lane, Sea Cliff, New York to modify a front stoop, which construction requires a variance of Village Code §138-50 in that the front stoop will encroach into the front yard setback 7 feet, where the maximum permitted encroachment is 4 feet. Premises are designated as Section 21, Block 103, Lots 23 and 24 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 Butler application. The Board closed the hearing, and reserved decision.

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

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

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

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

The Board discussed a written request submitted by James Carballal on behalf of the owners of 69 The Boulevard seeking an extension of time to comply with the requirements contained in the determination of the Board. On motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board granted an extension of time to provide that the applicants must obtain a building permit no later than December 31, 2014 and a certificate of occupancy no later than December 31, 2015.

The Superintendent of Buildings noted that the owner of 94 Glenlawn Avenue has modified the plans in connection with an approval by the Board for a pool in the front yard. The Board determined that the modification was not consistent with the Board's determination, and that the applicant would have to seek approval from the Board should the modification remain part of the plans.

There being no further business, the meeting was adjourned at 9:50 pm.

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DINA EPSTEIN, CHAIR

**BUTLER 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 June 17, 2014, 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. Michael and Kelly Butler, 21 Prospect Avenue, Sea Cliff applied to install an air conditioner condensing unit in a side yard, which installation requires a variance of Village Code §138-517. Premises are designated as Section 21, Block 117, Lot 3 on the Nassau County Land and Tax Map.
2. The applicants are 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.

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Dina Epstein, Chair

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

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Marianne Lennon, Village Clerk

**BASILE 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 June 17, 2014, on motion of Mr. Kopczynski, seconded by Ms. Marion, 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 Basile, Jr., 76 Ransom Avenue, Sea Cliff, New York applied to construct a second story addition and a garage below the first story, and enclose a rear patio, which proposal requires variances of the following Village Code sections: (a) 138-511 to maintain side yard setbacks of 10.65 and 14.05 feet, where the minimum required setback is 15 feet; (b) 138-513 to permit a height of 30.1 feet, where the maximum permitted is 30 feet; (c) 138-513.1 to permit an encroachment into the height-setback ratio where no such encroachment is permitted; and (d) 138-514.1 to permit a floor area ratio of 29%, where the maximum permitted is 27%. Premises are designated as Section 21, Block 147, Lots 38 and 41 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.

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Dina Epstein, Chair

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

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Marianne Lennon, Village Clerk

**SCHESTAPALOW 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 June 17, 2014, 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. Alex Schestopalow, 34 Club Road, Sea Cliff, New York applied to construct a covered porch, which construction requires variances of the following Village Code sections: (a) 138-606 to maintain a lot line length of 75 feet, where the minimum permitted is 100 feet; (b) 138-609 to maintain lot width at the setback line of 75 feet, where a minimum of 100 feet is required; (c) 138-611 to maintain side yards of 7 and 10 feet and create a side yard of 8.5 feet, where a minimum of 15 feet is required; (d) 138-613.1 to maintain an encroachment into the height setback ratio plane; and (e) to increase a non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 67, Lot 44 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.

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Dina Epstein, Chair

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

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Marianne Lennon, Village Clerk

**DERRIEN 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 June 17, 2014, on motion of Ms. Marion, 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. Raymond Derrien, 3 Barberry Lane, Sea Cliff, New York applied to modify a front stoop, which construction requires a variance of Village Code §138-50 in that the front stoop will encroach into the front yard setback 7 feet, where the maximum permitted encroachment is 4 feet. Premises are designated as Section 21, Block 103, Lots 23 and 24 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.

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Dina Epstein, Chair

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

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Marianne Lennon, Village Clerk