

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

July 16, 2013

Present: Chair Dina Epstein
Members Ted Kopczynski
Noel Griffin
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 Vivian Zhang, 27 12th Avenue, Sea Cliff to construct a driveway and curb cut, which construction requires variances of the following Village Code sections: (a) §138-1007 in that the curb cut will have no setback from the nearest driveway where the minimum required setback is 8 feet; and (b) 138-1103 in that the proposed driveway intensifies an existing non-conformity. Premises are designated as Section 21, Block 140, Lot 1240 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 Doug and Amy Olitsky, 72 Sea Cliff Avenue, Sea Cliff to demolish an existing garage and construct a new garage, which requires variances of the following Village Code provisions to maintain existing conditions: (a) 138-504 in that the lot size is 9,799 square feet, where a minimum of 10,000 square feet is required; (b) 138-506 in that the front yard width is 50 feet, where a minimum of 100 feet is required; (c) 138-508 in that the front yard setback

is 13.1 feet, where a minimum of 25 feet is required; (d) 138-510 in that the corner lots are required to have a minimum front property line of 100 feet and the existing front property line is 50 feet; (e) 138-511 in that the side yard setback is 10.7 feet, where a minimum of 15 feet is required; and (f) 138-512 in that the rear yard setback is 10 feet, where a minimum of 30 feet is required. The proposed construction also requires variances of the following Village Code sections: (a) 138-509 in that an accessory structure may not be erected on a lot with less than the required width at the setback line; (b) 138-514.1 in that the floor area will be 3,005 square feet, where a maximum of 2,646 square feet is permitted; (c) 138-516 in that the garage will be setback 3.6 feet from the side property line and 1.8 feet from the rear property line, where the minimum required setbacks are 15 feet and 5 feet, respectively; (d) 138-516 in that the gross floor area of the garage will be 550 square feet where only a 500 square foot garage is permitted and constitutes a second accessory structure in excess of 120 square feet where only one such structure is permitted; (e) 138-1007 in that the new curb cut will be 3.6 feet from the property line, where a minimum of 4 feet is required and will be closer than 8 feet to the nearest curb cut; and (f) 138-1102 in that the proposed garage will increase an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 115, Lot 7 on the Nassau County Land and Tax Map. The applicants were not present. The Board noted that the height of the garage was proposed to be 21.75 feet and that the maximum permitted height is 15 feet. This variance was not previously identified, and is required to be noticed before the Board may render a determination on the application. The Board continued the public hearing to August 6, 2013 at 8:00pm.

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. Applicants also appeal the determination of the building department that the proposed subdivision increases a pre-existing non-conformity. Premises are designated as Section 21, Block L1, Lot 306 on the Nassau County Land and Tax Map. The Board noted that the Planning Commission requested that the Board not render any determination until the Commission makes a recommendation and that the Commission is meeting on July 18, 2013. The Board members agreed to honor the request of the Planning Commission and

extend the time for the Planning Commission to provide the Board and the Village with its recommendation concerning the application until the Board's next meeting. The Board continued the public hearing to August 6, 2013 at 8:00pm.

The Board opened the continued public hearing on the application of Sustainable Sea Cliff Cooperative, Inc., as licensee, and Aqua New York of Sea Cliff, Inc., as owner, 325 Prospect Avenue, Sea Cliff, New York to use a portion of the premises for a community vegetable farm and related uses where no such uses are permitted pursuant to Village Code §138-501. Premises are designated as Section 21, Block K, Lot 22 on the Nassau County Land and Tax Map. The applicant did not appear. The Board determined to adjourn the hearing without date subject to the right of the applicant to request in writing that the hearing be rescheduled, and that if no such writing is provided to the Board within 75 days hereof than the application shall be deemed abandoned.

The Board discussed the Zhang application. On motion duly made by Mr. Griffin, seconded by Mr. Toner, and adopted unanimously, the Board determined that the Zhang 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 various zoning matters.

There being no further business, the meeting was adjourned at 8:55 pm.

ZHANG SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on June 18, 2013, on motion of Mr. Griffin, seconded by Mr. Toner, 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. Vivian Zhang, 27 12th Avenue, Sea Cliff applied to construct a driveway and curb cut, which construction requires variances of the following Village Code sections: (a) §138-1007 in that the curb cut will have no setback from the nearest driveway where the minimum required setback is 8 feet; and (b) 138-1103 in that the proposed driveway intensifies an existing non-conformity. Premises are designated as Section 21, Block 140, Lot 1240 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) a natural barrier containing plantings shall be planted and maintained along the common boundary line with the adjoining neighbor such that the plantings create a visual barrier between the two (2) driveways, but do not impact access to either driveway; (c) such barrier shall not extend forward of the front property line; and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.