

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

August 6, 2013

Present:	Chair	Dina Epstein
	Members	Kevin McGilloway Ted Kopczynski Noel Griffin Jamie Weil
	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 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 (i) 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 and (ii) the height will be 21.75 feet, where the maximum permitted height is 15 feet; (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, Block115, Lot 7 on the Nassau County Land and Tax Map. Premises are designated as Section 21, Block115, Lot 7 on the Nassau County Land and Tax Map. Mr. McGilloway was not present during the presentation of this application, and Mr. Toner served in his absence. The Board closed the public hearing and reserved decision.

The Board discussed the Olitsky application. On motion duly made by Mr. Toner, seconded by Mr. Weil, and adopted unanimously, the Board determined that the Olitsky 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.

Mr. McGilloway returned and participated in the remainder of the meeting whereupon Mr. Toner did not participate in the remainder of the meeting.

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 closed the public hearing, and reserved decision.

The Board discussed a letter request submitted by Artaux Catering, 1 Sea Cliff Avenue for an extension of a prior approval. The Board discussed the request, and on motion duly made by Mr. McGilloway, seconded by Mr. Griffin, and adopted unanimously (with Mr. Toner not participating), the Board granted

the request and extended the approval for a period of three (3) years from the date that this determination is filed with the Village Clerk.

The Board discussed the Barnaby application at length. After such discussion, Mr. Griffin moved to deny the application. That motion was seconded by the Chair, and a further discussion ensued. No vote was taken on the motion and the motion was withdrawn. Mr. McGilloway moved to approve the application, and Mr. Kopczynski indicated that he would second the motion. After a further discussion on the merits of the application, no formal second to the motion was made and the motion was withdrawn. The Board determined that it would continue its deliberation on the matter at its next meeting. Mr. Toner did not participate in the deliberations.

There being no further business, the meeting was adjourned at 11:10 pm.

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## OLITSKY SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on August 6, 2013, on motion of Mr. Toner, 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. Doug and Amy Olitsky, 72 Sea Cliff Avenue, Sea Cliff applied 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 (i) 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 and (ii) the height will be 21.75 feet, where the maximum permitted height is 15 feet; (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.
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 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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