

**MINUTES OF SEA CLIFF VILLAGE BOARD**  
**December 5, 2016**

The meeting of the Incorporated Village of Sea Cliff was held on Monday, December 5, 2016, at 6:00 p.m. at Village Hall to discuss various Village matters.

Present: Edward Lieberman, Mayor  
Dina Epstein, Village Trustee  
Robin Maynard, Village Trustee  
Marianne Lennon, Village Clerk  
Brian Stolar, Village Attorney  
Bruce Kennedy, Village Administrator

Absent: Kevin McGilloway, Deputy Mayor

On a motion by Mayor Lieberman, seconded by Trustee Epstein and unanimously approved by those present, the Board changed the start time for the Conference Meetings on January 3, 2107, February 6, 2017 and March 6, 2017 from 6:00pm to 5:30pm.

The Board discussed the position of Building Inspector Trainee. After such discussion, Mayor Lieberman appointed Shane Dommin as Building Inspector Trainee effective December 19, 2016, to serve for the balance of the current Village official year, and that the salary of the position shall be \$50,000 per annum with a three month probationary period.

Trustee Maynard moved that the appointment made by the Mayor be approved, seconded by Trustee Epstein and unanimously carried.

Trustee Maynard offered the following resolution for adoption:

**RESOLUTION NO. 54, YEAR 2016**

**BE IT RESOLVED**, that Section 125-59 Schedule M be amended, solely to eliminate the restriction in relation to the portion of the street identified herein, as follows:

Name of Street	Side	Location
Fifteenth Avenue	North	From a point 151 feet west of the northwest corner of the intersection section of Prospect Avenue and Fifteenth Avenue to a point 31 feet west thereof

Second by Mayor Lieberman and unanimously approved by those present.

The Board discussed a November 9, 2016 letter from 100 Roslyn Avenue, LLC, which was received by the Village on November 14, 2016 (the "100 Roslyn Avenue letter"). The Board noted that it intended to seek legal advice concerning the letter request.

A motion was made by Mayor Lieberman to adopt as presented and certified, Local Law No. 1, Year 2016, VSC 1601: A local law to amend the Code of the Village of Sea Cliff to repeal Village Code §117-23, and adopt a new Village Code §117-23.1, to make available to eligible veterans the Alternative Veterans Tax Exemption provided in Real Property Tax Law §458-a., and the necessity for its immediate passage. Seconded by Trustee Maynard and unanimously approved by those present.

Trustee Epstein moved the following Abstracts for approval:

Abstract No. 3.11.2016 in the amount of \$355,934.44  
Abstract No. 3.11.2016 H PP in the amount of \$7,943.39

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Abstract No. 4.11.2016 CD PP in the amount of \$3,880.74

Abstract No. 2.11.2016 A PP in the amount of \$8,859.91

Seconded by Trustee Maynard and unanimously approved by those present.

On a motion by Trustee Maynard, seconded by Trustee Epstein and unanimously approved by those present, the Minutes of November 14, 2016 and November 28, 2016 were hereby approved.

At 7:40pm, on motion by Trustee Epstein, seconded by Trustee Maynard, and adopted unanimously, the Board determined to recess to obtain legal advice and to return to public session after receiving such advice.

After receiving legal advice, the Board reconvened at 8:00pm.

The Board discussed the contents of the 100 Roslyn Avenue letter, including the request to lift an existing covenant and restriction and the rationale set forth therein. The Board noted that in previous litigation relating to the covenant and restriction, and in which the owner sought to lift the restriction, in 2012, the Second Department, Appellate Division, specifically determined that the restrictive covenant is of actual and substantial benefit to the Village and that a balancing of the equities does not favor the property owner. The Board further stated that the current request neither provides support or justification for a different result nor has the requestor shown that there has been one or more changed conditions or some other reason that would render the restriction to no longer provide an actual or substantial benefit to the Village. After such discussion and taking into account such considerations, on motion by Trustee Maynard, seconded by Trustee Epstein, and adopted unanimously, the Board determined not to grant the request to lift the covenant and restriction.

Meeting adjourned 8:05pm.

Marianne Lennon  
Village Clerk