

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

November 17, 2015

Present:	Chair	Noel Griffin
	Members	Ted Kopczynski, James Toner and Andrew Janusas
	Village Attorney	Brian Stolar

The meeting was called to order at 7:30 pm.

The Board opened the public hearing on the application of Timothy O'Donnell, 78 Ransom Avenue, Sea Cliff, New York to construct a front porch, which construction requires variances of: (a) Village Code §138-504 in that the lot area is 6,785 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 in that the front property line length is 60 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 in that the lot width is 60 feet, where a minimum of 90 feet is required; (d) Village Code §138-509 in that the lot width at the setback line is 60 feet, where a minimum of 100 feet is required; (e) Village Code §138-511 in that the existing residence set back 11.8 and 11.7 feet from the respective side lot lines, and the proposed porch will be set back 11.8 feet from the side property line, where a minimum of 15 feet is required; (f) Village Code §138-512 in that the existing rear yard setback is 17.25 feet, where a minimum of 30 feet is required; (g) Village Code §138-514.1 in that the existing floor area is 2,256 square feet, where a maximum of 2,239 square feet is permitted; and (h) Village Code §138-1102, to permit the enlargement of a non-conforming structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 47, Lot 21 on the Nassau County Land and Tax Map. The applicant was represented by architect James Carballal. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of David and Caitlin Swinburne, 90 LaFayette Avenue, Sea Cliff, New York to construct a 2 story addition, garage, rear patio and pool, and dormer a roof, which construction requires variances of: (a) Village Code §138-511 in that the existing residence has a side yard setback of 8.1 feet and the proposed dormer will be located 8.1 feet from the side property line, where a minimum of 15 feet is required; (b) Village Code §138-513 in that the new dormer will be 34.25 feet in height, where a maximum of 30 feet is permitted; (c) Village Code §138-516 in that the patio, pool and deck and garage each constitute a separate accessory structure in excess of 120 square feet, where only one (1) such structure is permitted; and (d) Village Code §138-1102 in the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 83, Lot 6 on the Nassau County Land and Tax Map. The applicants were not present upon the call of this hearing, and the Chair held the matter in abeyance until later in the meeting.

The Board opened the public hearing on the application of Anthony LaMarca, 142 Sea Cliff Avenue, Sea Cliff, New York to construct a carport, which construction requires variances of: (a) Village Code §138-504 in that the lot size is 6,500 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 to permit a front property line of 50 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 to permit a lot width of 50 feet, where a minimum of 90 feet is required; (d) Village Code §138-509 to permit a lot width at the setback line of 50 feet, where a minimum of 100 feet is required; (e) Village Code §138-510 to maintain a front property line of 50 feet on a corner lot, where a minimum of 100 feet is required; (f) Village Code §138-508 to maintain a front yard setback of 7.59 feet, where a minimum of 25 feet is required; (g) Village Code §138-511 to maintain a side yard setback of 12.08 feet, where a minimum of 15 feet is required; (h) Village Code §138-508 in that the carport will

have a front yard setback of 18 feet where a minimum of 25 feet is required; (i) Village Code §138-516 in that the carport constitutes a second accessory structure in excess of 120 square feet, where only one (1) such structure is permitted; and (j) Village Code §138-1102 in the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 114, Lot 107 on the Nassau County Land and Tax Map. The applicant was represented by architect Max Buschfrers. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Jacqueline Wiley, 54 15th Avenue, Sea Cliff, New York to construct a rear addition, which construction requires variances of: (a) Village Code §138-404 in that the existing lot size is 4,800 square feet, where a minimum of 7,500 square feet is required; (b) Village Code §138-408 in that the existing front yard setback is 12 feet, where a minimum of 20 feet is required; (c) Village Code §138-411 in that the existing side yard setback is 7.4 feet, where a minimum of 10 feet is required; (d) Village Code §138-413.1 in that the existing residence encroaches into the rear and front yard setback ratio planes and the proposed addition encroaches into the rear yard setback ratio plane; (e) Village Code §138-412 in that the proposed addition will have a 5 foot rear yard setback, where a minimum of 20 feet is required; and (f) Village Code §138-1102 in the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 148, Lot 681 on the Nassau County Land and Tax Map. The applicant was represented by architect Max Buschfrers. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Michael Citak, 5 Berkeley Place, Sea Cliff, New York to construct a deck and front portico, which construction requires variances of: (a) Village Code §138-504 in that the lot size is 7,500 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-

506 in that the front property line length is 75 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 in that the lot width is 75 feet, where a minimum of 90 feet is required; (d) Village Code §138-509 in that the lot width at the setback line is 75 feet, where the minimum of 100 feet is required; (e) Village Code §138-510 in that the lot width is 75 feet, where a minimum of 100 feet is required for a corner lot; (f) Village Code §138-514.1 in that the existing residence has a floor area of 2,417 square feet, where a maximum of 2,376 square feet is permitted; (g) Village Code §138-508 in that the deck will be setback 21.75 feet from the front property line, where a minimum of 25 feet is required; (h) Village Code §138-512 in that the proposed rear yard will be 9.16 feet, where a minimum of 30 feet is required; and (i) Village Code §138-516 in that a portion of the deck is proposed to be located in a front yard, where no such accessory structure is permitted to be located. Premises are designated as Section 21, Block 111, Lot 30 on the Nassau County Land and Tax Map. The applicant was represented by architect James Carballal. The Board closed the hearing, and reserved decision.

The Chair recalled the Swinburne application. The applicants were not present, and the Board continued the public hearing to January 19, 2016 at 7:30pm.

The Board discussed the O'Donnell application. On motion duly made by Mr. Janusas, seconded by Mr. Kopczynski, and adopted three votes in favor and Mr. Toner abstaining from the motion and from discussion of the application, the Board determined that the O'Donnell application is a Type II matter under SEQRA which requires no further environmental review and granted the application in accordance with the attached short form decision.

The Board discussed the LaMarca application. On motion duly made by Mr. Toner, seconded by Mr. Janusas, and adopted unanimously, the Board determined that the LaMarca application is a Type II matter under SEQRA which requires no further

environmental review and granted the application in accordance with the attached short form decision.

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

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

There being no further business, the meeting was adjourned at 8:08pm.

NOEL GRIFFIN, CHAIR

O'DONNELL 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 November 17, 2015, on motion of Mr. Janusas, seconded by Mr. Kopczynski, and adopted three votes in favor and Mr. Toner not participating in the discussion and abstaining from the vote, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the Board's consideration and discussed the application, rendered the following findings and determination:

1. Timothy O'Donnell, 78 Ransom Avenue, Sea Cliff, New York applied to construct a front porch, which construction requires variances of: (a) Village Code §138-504 in that the lot area is 6,785 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 in that the front property line length is 60 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 in that the lot width is 60 feet, where a minimum of 90 feet is required; (d) Village Code §138-509 in that the lot width at the setback line is 60 feet, where a minimum of 100 feet is required; (e) Village Code §138-511 in that the existing residence set back 11.8 and 11.7 feet from the respective side lot lines, and the proposed porch will be set back 11.8 feet from the side property line, where a minimum of 15 feet is required; (f) Village Code §138-512 in that the existing rear yard setback is 17.25 feet, where a minimum of 30 feet is required; (g) Village Code §138-514.1 in that the existing floor area is 2,256 square feet, where a maximum of 2,239 square feet is permitted; and (h) Village Code §138-1102, to permit the enlargement of a non-conforming structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 47, Lot 21 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. Notice of the application was provided 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 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) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

Noel Griffin, Chair

LAMARCA 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 November 17, 2015, on motion of Mr. Toner, seconded by Mr. Janusas, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the Board's consideration and discussed the application, rendered the following findings and determination:

1. Anthony LaMarca, 142 Sea Cliff Avenue, Sea Cliff, New York applied to construct a carport, which construction requires variances of: (a) Village Code §138-504 in that the lot size is 6,500 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 to permit a front property line of 50 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 to permit a lot width of 50 feet, where a minimum of 90 feet is required; (d) Village Code §138-509 to permit a lot width at the setback line of 50 feet, where a minimum of 100 feet is required; (e) Village Code §138-510 to maintain a front property line of 50 feet on a corner lot, where a minimum of 100 feet is required; (f) Village Code §138-508 to maintain a front yard setback of 7.59 feet, where a minimum of 25 feet is required; (g) Village Code §138-511 to maintain a side yard setback of 12.08 feet, where a minimum of 15 feet is required; (h) Village Code §138-508 in that the carport will have a front yard setback of 18 feet where a minimum of 25 feet is required; (i) Village Code §138-516 in that the carport constitutes a second accessory structure in excess of 120 square feet, where only one (1) such structure is permitted; and (j) Village Code §138-1102 in the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 114, Lot 107 on the Nassau County Land and Tax Map.
2. The applicants are the owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. Notice of the application was provided 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 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 approval is granted on the condition that the carport not be enclosed, and the Board would not have granted the application if any portion of carport was (or will be) enclosed, (c) applicant shall comply with all requirements of the Village Code and the Building Department, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

Noel Griffin, Chair

WILEY 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 November 17, 2015, on motion of Mr. Kopczynski, 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 Board's consideration and discussed the application, rendered the following findings and determination:

1. Jacqueline Wiley, 54 15th Avenue, Sea Cliff, New York applied to construct a rear addition, which construction requires variances of: (a) Village Code §138-404 in that the existing lot size is 4,800 square feet, where a minimum of 7,500 square feet is required; (b) Village Code §138-408 in that the existing front yard setback is 12 feet, where a minimum of 20 feet is required; (c) Village Code §138-411 in that the existing side yard setback is 7.4 feet, where a minimum of 10 feet is required; (d) Village Code §138-413.1 in that the existing residence encroaches into the rear and front yard setback ratio planes and the proposed addition encroaches into the rear yard setback ratio plane; (e) Village Code §138-412 in that the proposed addition will have a 5 foot rear yard setback, where a minimum of 20 feet is required; and (f) Village Code §138-1102 in the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 148, Lot 681 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. Notice of the application was provided 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 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) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

Noel Griffin, Chair

CITAK 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 November 17, 2015, on motion of Mr. Toner, seconded by Mr. Janusas, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the Board's consideration and discussed the application, rendered the following findings and determination:

1. Michael Citak, 5 Berkeley Place, Sea Cliff, New York applied to construct a deck and front portico, which construction requires variances of: (a) Village Code §138-504 in that the lot size is 7,500 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 in that the front property line length is 75 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 in that the lot width is 75 feet, where a minimum of 90 feet is required; (d) Village Code §138-509 in that the lot width at the setback line is 75 feet, where the minimum of 100 feet is required; (e) Village Code §138-510 in that the lot width is 75 feet, where a minimum of 100 feet is required for a corner lot; (f) Village Code §138-514.1 in that the existing residence has a floor area of 2,417 square feet, where a maximum of 2,376 square feet is permitted; (g) Village Code §138-508 in that the deck will be setback 21.75 feet from the front property line, where a minimum of 25 feet is required; (h) Village Code §138-512 in that the proposed rear yard will be 9.16 feet, where a minimum of 30 feet is required; and (i) Village Code §138-516 in that a portion of the deck is proposed to be located in a front yard, where no such accessory structure is permitted to be located. Premises are designated as Section 21, Block 111, Lot 30 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. Notice of the application was provided 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 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 applicant shall not construct any structure beneath the deck, which area shall remain open for so long as the variance for the deck would be required, (c) applicant shall comply with all requirements of the Village Code and the Building Department, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

Noel Griffin, Chair